

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1065 of 2022**

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

Sudhir Kumar Son Of Ramchandra Yadav @ Ramchandra Yadav R/O -
Rudai, P.O.- Makhdumpur, P.S.- Wazirganj Rudai, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mithu Das Mahesh Das Resident of Rudai, P.O.-Makhdumpur, P.S.-
Wazirganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 21-12-2022 1. Heard learned counsel for the appellant and
learned Special P.P. for the State, on point of admission and on
merit also.

2. The appellant has preferred the present appeal
under Section 14A(2) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for short 'the Act') against
the order dated 06.10.2020 passed by the learned Exclusive
Special Judge, S.C/S.T., Gaya in connection with Wazirganj P.S.



Case No.420 of 2020 registered under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice served upon and informant is duly represented.

5. Appellant is named in F.I.R. and is in custody since 28.01.2022.

6. The allegation against the appellant is to commit the murder of the son of informant alongwith other co-accused persons/family members due to enmity arising out of love affair of the deceased with the daughter of one of the co-accused, namely Sanjay Prasad.

7. Learned counsel for the appellant submitted that allegation of dragging away son of the informant from the house is specifically available against co-accused persons, namely Sanjay Prasad, Sweety Kumari and Rohini Devi and is not available against this appellant. It is pointed out that implication of this appellant is only being the brother of main co-accused, namely Sanjay Prasad, where allegation is limited only to abuse and advance threatening when occurrence was reported to him



being relative/family members. It is further submitted that no incriminating material recovered/surfaced during the course of investigation, which may suggest any involvement of this appellant with the present occurrence. It is also submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. for the State duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail fairly conceded that allegation of dragging the son from the house of informant is not available against this appellant.

10. In view of the facts and circumstances, as mentioned above, and by taking note of the nature of



accusations, where allegation is only limited to abuse and advancing threat without any active participation, where appellant is in custody since 28.01.2022 coupled with the fact that chargesheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Wazirganj P.S. Case No.420 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya/concerned Court, subject to the following conditions:

(i) The accused/appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail appeal.



11. Accordingly, impugned order dated 06.10.2020 is
set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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