

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1171 of 2022**

Arising Out of PS. Case No.-138 Year-2022 Thana- AMARPUR District- Banka

Manish Kumar Yadav S/O Gajbadan Yadav @ Gajvadan Yadav R/o village-
Kaushalpur, Kolbuzurg, P.S.- Amarpur, District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Vibhakar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-09-2022 1. Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the informant, 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 22.03.2022 passed by the learned Additional Sessions Judge-I, Banka in connection with Amarpur P.S. Case No. 138 of 2022 registered under Sections 419, 420, 467, 468, 447 and 120B of the Indian Penal Code and Section 3(2)(v)(a)



(g) of the Act.

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

4. Notice has been issued to Respondent no.2, served upon and duly represented.

5. Appellant is named in F.I.R. and is in custody since 10.03.2022.

6. The allegation against the appellant is to work as an associate of one main co-accused, namely, Parmanand Das, who is a local land mafia, used to pressurize members of the Scheduled Caste community to sell out their land.

7. Learned counsel for the appellant submitted that the the entire allegation is based upon suspicion, where nothing incriminating surfaced, which may connect the appellant, *prima facie*, with the activities of main co-accused, namely, Parmanand Das. It is submitted that appellant is not, even, a witness in any of the alleged sale deed. It is further submitted that the act of the appellant cannot be said atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and, moreover, 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 for the informant, while opposing the prayer of bail, fairly conceded that allegation against the appellant is limited only to work as an associate of main co-accused, namely, Parmanand Das.

10. In view of the facts and circumstances, as mentioned above, as nothing surfaced during the course of investigation, which may connect the appellant, *prima facie*, with the present set of allegations coupled with the fact that appellant is a man of clean antecedent, where chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 138 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka/concerned Court, subject to the conditions as



laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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