

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1168 of 2022**

Arising Out of PS. Case No.-392 Year-2021 Thana- CHANDI District- Nalanda

Mantu Singh @ Mantu @ Dhananjay Kumar Son of Dularu Singh Resident of
Village - Rukhai, P.s.- Chandi, Distt.- Nalanda at Biharsarif.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Parashar, Advocate
For the State : Mr. Binay Krishna, Spl. PP

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

4 01-09-2022 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 21.02.2022 passed by the learned Additional
District and Sessions Judge-III-cum-Special Judge (SC/ST),
Nalanda at Biharsharif in connection with Chandi P.S. Case No.
392 of 2021 registered under Sections 341, 323, 302, 504, 506,
447 and 34 of the Indian Penal Code, Section 27 of the Arms
Act and Sections 3(2)(V) and 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 has been issued to Respondent no.2, served



upon, but failed to appear.

5. Appellant is named in F.I.R. and is in custody since 27.10.2021.

6. The allegation against the appellant is to commit murder of husband of the informant, alongwith other co-accused persons in the backdrop of money transactions.

7. Learned counsel for the appellant submitted that the allegation of assault against the appellant is very much general and omnibus. It is submitted that maximum allegation against this appellant is of firing in air after the occurrence. It is further submitted that during course of trial, informant completely take u-turn deposing thereof, that she was not the eye witness of the occurrence and denied all the allegations as set out through written complaint in her cross examination. It is also 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.

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, while opposing the prayer of bail, fairly conceded that allegation is very much general and omnibus against the appellant, as per F.I.R.

10. In view of the facts and circumstances, as mentioned above, as allegation regarding assault is very much general and omnibus against the appellant, let the appellant, above named, is directed to be released on bail in connection with Chandi P.S. Case No. 392 of 2021 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 District and Sessions Judge-III-cum-Exclusive Special Judge, Nalanda at Biharsharif/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 21.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

