

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1192 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- DARIYAPUR District- Saran

=====

Pawan Kumar Son of Satyendra Mahto Resident of Village - Bhairapur, P.S. -
Dariyapur, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Santosh Manjhi Resident of Village - Bhairapur, P.S. -
Dariyapur, District - Saran.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Harish Kumar, Advocate
For the Opposite Party	:	Mr. Bishwa Bijay Kumar
For the State	:	Mr. Binay Krishna, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2022 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 29.03.2022 passed by the learned 3rd Additional
District and Sessions Judge-cum-Special Judge, SC/ST Act,
Saran in connection with Dariyapur P.S. Case No. 135 of 2022
registered under Sections 341, 354, 379, 511 and 457 of the
Indian Penal Code and Section 3(1)(r) of the SC/ST (POA) 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 13.03.2022.

6. The allegation against the appellant is to outrage the modesty of the informant/victim while she was sleeping in her house, and also to abuse her by caste name.

7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in this case due to neighbourhood dispute and differences. It is also submitted that the appellant is in inimical terms with the informant and her family members for the reason that a case has also been lodged by the appellant, where husband of the informant is also an accused and same has been registered as Dariyapur P.S. Case No. 136 of 2022. It is submitted that, from bare perusal of the F.I.R., it appears that there is no abuse by caste name, which may attract atrocities within the meaning of the Act. It is further submitted that the matter has been compromised between the parties. 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, opposes the prayer of bail and supported the factum of compromise between the parties.

10. Considering the facts and circumstances, as mentioned above, as the matter has been compromised between the parties coupled with the fact that appellant is a man of clean antecedent and chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 135 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 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra, subject to the following conditions:

“(i) 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 Satyendra Mahto, who is the father of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 29.03.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

Ankit/-

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

