

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1188 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- KURTHA District- Jehanabad

NARESH YADAV @ GHUTUR @ NARESH SINGH S/o Sidheshwar Yadav
R/o village- Chamandi, P.S.- Kurtha, District- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar S/o Dukhit Das R/o Village- Chamandi, P.S.- Kurtha, District- Arwal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 5 21-09-2022 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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 11.03.2022 passed by the learned Additional District and Sessions Judge-1st, Jehanabad in connection with Kurtha P.S. Case No. 27 of 2022 registered under Sections 504 and 506 of Indian Penal Code, Section 3(1)(r)(s)/3(2)(va) of SC/ST



Act and Sections 37(c) of the Bihar Prohibition and Excise Act, 2018.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. It is submitted by learned Special P.P. that notice has already been served upon to the informant, where, report is being filed before this Court and same is taken on record, but informant failed to join in the present proceeding.
5. The appellant is named in F.I.R. and is in custody since 09.02.2021.
6. The allegation against the appellant is to abuse the informant by caste name in drunken conditions, while boarding as co-passenger of Tempo/three wheeler.
7. Learned counsel for the appellant submitted that allegation is limited to abuse by caste name. It is further submitted that FIR itself speaks about previous enmities. It is also submitted that it can be safely gathered from the face of FIR itself, that alleged abuse by caste name was not made in public view, which may invite any atrocities, within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case



has been completed, for which, charge-sheet has already 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, opposes the prayer of bail.
10. In view of the submissions, as made above, as alleged abuse by caste name is not appearing in public view coupled with the fact that the charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Kurtha P.S. Case No. 27 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 District and Sessions Judge-1st, Jehanabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.
11. Accordingly, impugned order dated 11.03.2022 is



set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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