

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1265 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- RAHUI District- Nalanda

VIKASH PASWAN Son of Nardu paswan Resident of Village- Dihara, P.S.
Rahui, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. P.P.
For the informant	:	Mr. Adv.

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 23.02.2022 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST), Nalanda at Biharsharif in connection with Rahui P.S. Case No. 04 of 2022 registered under Sections 341, 379, 302, 34, 120(B), 147, 148, 149 of the Indian Penal Code and Section 3(2) (V) of SC/ST 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 02.01.2022.

6. The allegation against the appellant is to commit murder of son of the informant, alongwith other co-accused persons in the background of land disputes.

7. Learned counsel for the appellant submitted that the allegation of assault against the appellant is very much general and omnibus rather the same is specific against co-accused, namely, Shiv Paswan, as per F.I.R. It is submitted that the act of appellant is not of such nature, which may be said to be an atrocities within the meaning of 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 duly assisted by



learned counsel appearing on behalf of informant, namely, Priyesh Kumar, while opposing the prayer of bail, fairly conceded that allegation against the appellant, is very much general and omnibus, 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, who is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Rahui P.S. Case No. 04 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-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 23.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

pooja/-

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

