

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1206 of 2022

Arising Out of PS. Case No.-405 Year-2020 Thana- BAGHA District- West Champaran

Girjesh Chaudhary Son of Late Kanchan Chaudhary Resident of Village -
Sajhighat, Police Station - Bagaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bechu Ram Son of Sagar Ram Resident of Village - Sojhighat (Bankatwa)
Police Station - Bagaha, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anand Kishore Choudhary, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 28-09-2022 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 15.02.2022 passed by the learned 1st Additional District and
Sessions Judge-cum-Special Judge (SC/ST) Act, Bettiah, West
Champaran in connection with Bagaha P.S. Case No. 405 of 2020
registered under Sections 147, 149, 341, 342, 323, 307, 354, 504 and
506 of the Indian Penal Code and under Section 3(i) (r) (s) and 3 (2)
(v) (a) 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 12.10.2020.

6. The allegation against the appellant is to assault brother of son-in-law and son of the informant alongwith other co-accused persons for longstanding land disputes.

7. Learned counsel for the appellant submitted that maximum allegation, what appears against this appellant, as per F.I.R., is to be part of mob. It is further pointed out that allegation of assault is specific against co-accused Satan Ram, Akhilesh Ram and Rakesh Ram. It is further submitted that nature of injuries received by injured are simple in nature, which clearly negate intention. It is further submitted that act of appellant cannot be said an atrocities within the meaning of Act. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet is 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 appearing on behalf of informant, namely, Mr. Madhusudhan Ram, while opposing the prayer of bail, fairly conceded that allegation of assault is not available against this appellant, as per F.I.R.

10. In view of the facts and circumstances, as mentioned above, as maximum allegation available against this appellant is member of mob, let the appellant, above named, is directed to be released on bail in connection with Bagaha P.S. Case No. 405 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 15.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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