

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1218 of 2022

Arising Out of PS. Case No.-622 Year-2021 Thana- BARHARA District- Bhojpur

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MOHAN SINGH @ VIKASH SINGH Son of Vijay Kumar Singh Resident of
Village - Phuham, P.S.- Babura, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Raj Mohan Rajak Resident of Village - Phuham, P.s.-
Babura, Distt.- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Bindeshwari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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| 3 | 25-08-2022 | 1 | <p>Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for the
respondent no.2/informant, on point of admission and on
merit also.</p> <p>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-I-cum-Special Judge, SC/ST(POA) Act, Bhojpur,</p> |
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Ara in connection with Barahara P.S. Case No.622 of 2021 registered under Sections 147, 148, 149, 354(A), 379 and 302 of Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(w) and 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 The appellant is named in F.I.R. and is in custody since 22.01.2021.

6 The allegation against the appellant is to commit murder of son of the informant and also outrage the modesty of the informant.

7 Learned counsel for the appellant submitted that that specific allegation as regard to firing is against co-accused, namely, Vikash Singh, S/o Nageshwar Singh, where the allegation against this appellant is limited to outrage the modesty of the informant. It is also submitted that allegation as regard to abuse by caste name is also against co-accused, Vikash Singh, S/o Nageshware Singh, not against this appellant. It is also submitted that from bare perusal of FIR, it appears that there is no overt act



against the appellant, which attracts atrocities within the meaning of the Act. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 1312 of 2021 dated 07.02.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 Respondent No.2/Informant, while opposing prayer for bail, fairly conceded the fact that allegation of firing is against co-accused, namely, Vikash Singh, S/o Nageshwar Singh.

10 In view of the submissions, as made above, as allegation against this appellant is limited to outrage the



modesty of the informant and that to appearing omnibus, let the appellant, above named, is directed to be released on bail in connection with Barahara P.S. Case No.622 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-I-cum-Special Judge (SC/ST), Bhojpur, Ara/concerned court, subject to the conditions 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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