

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1277 of 2022**

Arising Out of PS. Case No.-70 Year-2021 Thana- AMDABAD District- Katihar

Sagar Kumar Pal @ Potal Pal S/o Bhikhan Pal R/o village- Bairiya, P.S.-
Amdabad, District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

- 3 12-10-2022 1. Heard learned counsel for the appellant and learned Special P.P. for the State.
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 22.03.2022 passed by the learned Exclusive Special Judge (SC/ST), Katihar in connection with Amdabad P.S. Case No. 70 of 2021 registered under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code and Section 3 (i) (r) (s) and 3(2) 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 informant, served upon but failed to join present proceedings.
5. Appellant is named in F.I.R. and is in custody since



12.02.2022.

6. The allegation against the appellant is to assault one of the family members of the informant, namely, Goli Rajak causing head injury by using sharp cut weapon, with intention to cause their death.

7. Learned counsel for the appellant submitted that the occurrence is of free fight in nature and, as such, it can be safely gathered that appellant was not under intention to cause death of injured person. It is further submitted that the counter version of the present occurrence i.e., Amdabad P.S. Case No. 71 of 2021 was also lodged by father of one of co-accused, namely, Kargil Pal. It is further submitted that during medical examination, no injury has been found upon injured Golgi Rajak. It is further submitted that act of appellant cannot be said atrocities within the meaning of Act, as per F.I.R., as same is not in public view. It is submitted that similarly situated co-accused person, namely, Kargil Pal has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. App. (SJ) No. 381 of 2022 vide order dated 01.09.2022. While concluding the argument, it is submitted that appellant is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet is submitted and, 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 facts and circumstances, as mentioned above, as no injury was noticed during medical examination upon alleged injured, namely, Goli Rajak coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Amdabad P.S. Case No. 70 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 Exclusive Special Judge, (SC/ST), Katihar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.03.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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