

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1233 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Shankar Mahto S/o Joga Mahto R/o village- Raspur Patasia, P.S.-
Mohiuddinnagar, Distt.- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Singh, Advocate
Mr. Tulika Singh, Advocate

For the Respondent/s : Mr. Lakshimindra Kumar Yadav, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-10-2022 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 07.03.2022 passed by the learned Special Judge
(SC/ST), Samastipur in connection with Mohiuddin Nagar P.S.
Case No. 03 of 2022 registered under Sections 147, 148, 149,
302, 201 and 504 of the Indian Penal Code read with 3(2) (V) of
the 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 05.01.2022.

6. The allegation against the appellant is to commit murder of the husband of informant, alongwith other co-accused persons due to local political enmities arises out of panchayati election.

7. Learned counsel for the appellant submitted that as per investigation appellant not appears as an eye witness of the occurrence. It is further submitted that the allegation of assault is very much general and omnibus. It is further pointed out that the entire allegation is based upon suspicion, as appellant having different political ideologies and, as such, developed inimical terms during last panchayati allegation with informant. It is also submitted that similarly situated co-accused person, namely, Nago Mahto has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. App. (SJ) No. 2088 of 2022 vide order dated 13.10.2022 It is submitted that nothing can be gathered from the face of F.I.R. which may suggest that act of appellant is 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 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 duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

10. In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, having general and omnibus allegation as regard to assault against this appellant 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 Mohiuddin Nagar P.S. Case No. 03 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 Special Judge, Samastipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 07.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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