

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1270 of 2022**

Arising Out of PS. Case No.-64 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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Bhim Yadav S/o Harendra Yadav Resident of Village- Bhaluwahiya, P.S.-
Purshotampur, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Manaur Alam, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P
For the Informant	:	Mr.Pramod Kumar Yadav, Advocate

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

5 23-11-2022 1. Heard learned senior counsel for the appellant and
learned Special P.P. for the State, 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 30.03.2022 passed by the learned 1st Additional
District and Sessions Judge-cum-Special Judge, SC/ST, Bettiah,
West Champaran in connection with Purshottampur P.S. Case
No. 64 of 2021 registered under Sections 376 and 506 of Indian
Penal Code and Section 3(1)(R)/3(2-A) 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 22.10.2021.

6. The allegation against the appellant is to commit rape upon informant/victim and causing her pregnant.

7. Learned senior counsel for the appellant submitted that from bare perusal of the FIR, it is difficult to gather that rape was committed upon informant/victim, as same is appearing consensual on its face. It is submitted that matter was compromised between the parties and in furtherance thereof, compromise petition dated 07.11.2022 was filed before the Court of learned 1st Additional District and Session Judge-cum-SC/ST Special Court, which is annexed with present bail petition as annexure-2. While arguing over the matter, learned senior counsel relied upon the report of Hon'ble Supreme Court in ***Pramod Suryabhan Pawar v. State of Maharashtra as reported in (2019) 9 SCC 608***. It is further submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act.. While concluding the argument, it is submitted that investigation in this case is complete for



which charge-sheet has already been 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 for the informant, while opposing the prayer of bail, fairly conceded the factum of compromise between the parties.

10. In view of the facts and circumstances, as mentioned above, as informant/victim appears to admit her relationship for long two (2) years with this petitioner 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 Purshottampur P.S. Case No. 64 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 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST) Bettiah, West Champaran/concerned Court, subject to the conditions as laid down under Section 437(3) of



the Cr.P.C.

11. Accordingly, impugned order dated 30.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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