

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1275 of 2022**

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST District- Jehanabad

SANTOSH KUMAR S/o Late Amerika Singh @ Amerika Sharma Resident of Village- Surdaspur, P.S.- Ghosi, District- Jehanabad presently residing at Mohalla- Krishnamani Colony near Brilliant Public School, Niramuddinpur, P.S. and District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Arun Kumar Arun  
For the Respondent/s : Mr.Binay Krishna

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

- 3      25-08-2022      1.      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.
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 29.03.2022 passed by the learned I/c. Additional Sessions Judge-cum-Special Judge 1<sup>st</sup>, SC/ST(POA) Act, Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 34 of 2021 registered under Sections 341/323/325/504/506 of



Indian Penal Code and Section 3(1)(r)(s) & 3(2)(va) 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 13.03.2022.
6. The allegation against the appellant is to cause grievous act to informant/injured causing uprooting his teeth, informant is a member of SC community.
7. Learned counsel for the appellant submitted that the petitioner have falsely been implicated in the present case by the employer of the informant in the background of dispute founded over money transactions. It is also submitted that it appears from injury report that injury caused to injured/informant only suggesting about body pain, where allegation of uprooting the teeth is for only purpose to make allegation aggravated. It is also submitted that it appears from bare perusal of FIR that abuse by castes name is not in public view. It has further been submitted that from bare perusal of FIR, it appears



that there is no such overt act against the appellant, which attracts atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case has been completed, 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 Respondent No.2/Informant, while opposing prayer for bail, submitted that trial of this case is almost completed as all the prosecution witnesses has already been examined and the matter is pending for recording of statement of the petitioner for last three consecutive dates, however, it is fairly conceded that the injury report showing only body pain.

10. In view of the submissions, as made above and considering the nature of allegation and injury, let the appellant, above named, is directed to be released on bail



in connection with Jehanabad SC/ST P.S. Case No. 34 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 Sessions Judge-cum-Special Judge 1<sup>st</sup>, SC/ST(POA) Act, Jehanabad, subject to the following conditions:

*“(i) Appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant, duly supported by the documents.*

*(ii) That one of the bailors shall be deponent of the present appeal.”*

11. Accordingly, impugned order dated 29.03.2022 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

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