

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1236 of 2022**

Arising Out of PS. Case No.-129 Year-2021 Thana- BEERPUR District- Begusarai

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LALU KUMAR @ LALO MAHTO Son of Shambhu Mahto Resident of
Village - Bakhatpur, P.S.- Birpur, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Suresh Paswan Resident of Village - Maida Babhangama, P.S.- Birpur, Distt.- Begusarai.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-09-2022 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 11.02.2022 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Birpur P.S. Case No. 129 of 2021 registered under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(v)a 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. Appellant is named in F.I.R. and is in custody since 10.01.2022.

6. The allegation against the appellant is to assault informant and other family members by tying rope in neck, with intention to cause death.

7. Learned counsel for the appellant submitted that the allegation of assault against the appellant is very much general and omnibus. It is submitted that the injuries, which were found upon informant/injured, are of simple in nature and not suggest thereof, that appellant was under intention to cause death, the act of appellant is not of such nature, which may be said to be an atrocities within the meaning of act. While concluding the argument, it is submitted that appellant is a man of clean antecedent.

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, namely, Mr. Ashok Kumar, while opposing the prayer of bail, fairly conceded that allegation against the appellant, is very much general and omnibus, as per F.I.R.

10. In view of the facts and circumstances, as mentioned above, as allegation regarding assault is very much general and omnibus against the appellant, who is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Birpur P.S. Case No. 129 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 (POA) Act, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 11.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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