

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1258 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MASHRAK District- Saran

Bhagau Nut Son of Magaru Nut Resident of Village - Dumahan BBarga, P.S.-
Mashrak, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nalin Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-10-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State, on point of admission and on merit
also.

2. At the outset, learned counsel for the appellant
submitted that inadvertently, name of the appellant in the cause
title has been wrongly typed as 'Bhagat' instead of 'Bhagau',
date of the impugned order in the memo of appeal has been
wrongly typed as '24.01.2021' instead of '24.01.2022' and at
two places in the bail petition name of the Lower Court has been
wrongly mentioned as 'learned 3rd Additional District and
Sessions Judge-cum-Special Judge Judge, SC/ST, Patna' and
'learned 3rd Additional District Judge-cum-Special Judge,
SC/ST, Saran at Chapra' instead of '3rd Additional District and
Sessions Judge-cum-Special Judge, SC/ST, Saran Chapra'.



3. Accordingly, learned counsel for the appellant is permitted to make necessary corrections during the course of the day itself.

4. 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 24.01.2022 passed by the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST, Saran Chapra in connection with Mashrak P.S. Case No. 193 of 2021 registered under Sections 302 and 34 of Indian Penal Code and Section 3(2)(V) of the Act.

5. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

6. It is submitted by learned Spl. PP that information has already been given to the informant and served upon. Informant failed to join the present proceedings.

7. Appellant is named in F.I.R. and is in custody since 11.08.2021.

8. The allegation against the appellant is to commit murder of father of the informant, who is chowkidar of Mashrak Police Station, Chapra, alongwith other co-accused persons, while father of the informant opposed the co-accused persons



regarding illegal activities related with cattle trade. It is further alleged thereof that co-accused, namely, Raju Miyan, who was the driver of the pick-up van, have intentionally ran over the father of the informant with the vehicle.

9. Learned counsel for the appellant submitted that, apparently, it is the case of accident, where appellant has been falsely implicated in this case for local dispute and difference. It is submitted that specific allegation is available against co-accused, namely, Raju Miyan. 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 appellant is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has already been submitted, as such, there is no chance of tampering with the evidence.

10. 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.***

11. Learned Special P.P. for the State, while opposing



the prayer of bail, fairly conceded the fact that specific allegation is available against co-accused, namely, Raju Miyan.

12. In view of the facts and circumstances, as mentioned above, as nature of allegation is very much general and omnibus against this appellant, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Mashrak P.S. Case No. 193 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 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST, Saran at Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

13. Accordingly, impugned order dated 24.01.2022 is set aside.

14. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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