

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1290 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- CHANPATIA District- West Champaran

Munna Yadav Son of Late Chanar Yadav @ Ramchandra Prasad Resident of
village - Station Road Chanpatia, P.S.- Chanpatia, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pushpanjali Kumari Daughter of Late Chhabishankar Ram Resident of
village - Station Road Chanpatia, P.S.- Chanpatia, District - West
Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-10-2022 1. Heard learned counsel for the appellant and
learned Special P.P. for the State.

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 21.03.2022 passed by the learned Incharge 1st
Additional District and Sessions Judge-cum-Special Judge
(SC/ST), Bettiah, West Champaran in connection with
Chanpatia P.S. Case No. 551 of 2021 registered under Sections
147, 148, 149 and 302 of the Indian Penal Code and under
Sections 3 (i) (r) (s) and 3(ii) (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 but failed to join present proceedings.

5. Appellant is named in F.I.R. and is in custody since 09.12.2021.

6. The allegation against the appellant is to commit murder of father of the informant, alongwith other co-accused persons due to previous enmities.

7. Learned counsel for the appellant submitted that the entire allegation is based upon heresay input, as provided by one Surendra Chaurasiya to cousin brother of informant, where it is alleged initially that it was altogether six accused persons, who were involved in assaulting deceased but subsequently, during the course of investigation said Surendra Chaurasiya named only two persons including appellant, clearly suggesting false implication and an afterthought. It is further pointed out that even if the version of eye witness is to be taken into consideration, the allegation as regard to assault is very much general and omnibus against this appellant, who is not even equipped with any weapons. It is further submitted that F.I.R. on its face not suggesting that act of appellant is within the meaning of atrocities, as defined under the 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 opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as entire implication is based upon hearsay input, having material contradiction in the statement of eye witnesses, in the background of the fact that allegation of assault is very much general and omnibus 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 Chanpatia P.S. Case No. 551 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 Incharge 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST), Bettiah, West Champaran/concerned Court, subject to



the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 21.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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