

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1526 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- BAGHA District- West Champaran

Manoj Chaudhari Son Of Nagendra Chaudhari Resident Of Village- Nadda
Khekharia, P.S- Bagaha (Bhairognaj) Dist- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Kumar, Advocate
For the Respondent/s : Mr.Usha Kumari, 1, 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, 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 26.03.2022 passed by the learned 1st Additional
District and Sessions Judge-cum-Special Judge, SC/ST, Bettiah,
West Champaran in connection with Bagaha (Bhairognaj) P.S.
Case No. 101 of 2021 registered under Sections 3(1)(r)(s) and
3(2)(va) of the 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 the present proceedings.

5. Appellant is named in F.I.R. and is in custody since 28.12.2021.

6. The allegation against the appellant is to assault informant/injured, along with other co-accused persons equipped with deadly weapons causing injuries, having intention to cause death due to previous money transactions dispute.

7. Learned counsel for the appellant submitted that the present FIR was lodged after a delay of 15 days, without having any just explanation, in itself is evident of the fact that implication is ill-motivated. It is further submitted that allegation of assault is very much general and omnibus, where injuries received by the informant is simple in nature, which is sufficient to gather that appellant was not under intention to cause death. It is also submitted that the face of F.I.R. speaks that act of appellant cannot be said an 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



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 opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as allegation regarding assault is very much general and omnibus against this appellant, where injuries are simple in nature, in the background of unexplained delay in lodging FIR 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 Bagaha (Bhairoganj) P.S. Case No. 101 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 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 26.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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