

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1516 of 2022

Arising Out of PS. Case No.-284 Year-2016 Thana- BARH District- Patna

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Tinku Kumar@Takla son of late Nago Singh resident of village - Purbi
Malahi, P.S.- Barh, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

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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 13.01.2022 passed by the learned Additional
District and Sessions Judge-III-cum-Special Judge, SC/ST,
Patna in connection with Barh P.S. Case No. 284 of 2016
registered under Sections 342, 307 and 34 of the Indian Penal
Code and Section 27 of the Arms 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 10.12.2020.

6. The allegation against the appellant is to open fire indiscriminately upon informant, along with other co-accused persons, with intention to cause death.

7. Learned counsel for the appellant submitted that allegation of firing is very much general and omnibus, against this appellant, where one of the similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 14834 of 2017 dated 04.04.2017. It is submitted that implication is false for the reason that one of the co-accused lodged a kidnapping case against this appellant and others. It is further submitted that no one received fire arm injury in the present occurrence. It is also submitted that the face of F.I.R. in itself speaks that the act of appellant cannot be said atrocities within the meaning of the Act. While concluding the argument, it is submitted that 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 of firing against this appellant is very much general and omnibus, where informant has not received injuries 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 Barh P.S. Case No. 284 of 2016 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 Session Judge-III-cum-Special Judge, SC/ST, Patna/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 13.01.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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