

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1548 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- CHIKSAUR District- Nalanda

TARUN KUMAR @ TARUN YADAV @ TARUN PRASAD Son of Sri
Rajdeo Yadav Resident of Village - Gulani, P.S.- Hilsa, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pawan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Mrityunjay Narayan, Advocate

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 as well as learned counsel for respondent no.2/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 25.02.2022 passed by the learned 3rd A.D.J.-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Chiksaura P.S. Case No. 62 of 2021 registered under Sections 302, 307, 120(B), 201 and 34 of Indian Penal Code, Sections 3(1)(r)(s) 3(2)(v) of the Scheduled Caste and Schedule Tribe (POA) 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. The appellant is named in FIR and is in custody since 02.07.2021.
6. The allegation against the appellant is to commit murder of his own sister-in-law, who is also wife of informant, along with other co-accused persons/family members, as deceased solemnized her marriage with informant, who is member of Schedule Caste community.
7. Learned counsel for the appellant submitted that present murder was committed by informant himself and his family members to save themselves from the case lodged by mother of deceased prior to 07 days of occurrence on 26.06.2021, which has been registered as Chiksaura P.S. Case No. 60 of 2021. It is further pointed out that no incriminating material was recovered in furtherance of confessional statement of this appellant, which may suggest involvement of appellant. It is also submitted that postmortem report showing only one injury, which is also appearing very superficial, where, cause of death is yet to be ascertained, which is sufficient to gather that the wife of informant not died due to alleged assault. It is further submitted that it can be safely gathered from face of FIR



that the act of appellant cannot be said as an atrocities within the meaning of the Act. It is also pointed out that the basis of entire implication is confessional statement of appellant, having no evidentiary value under law. While concluding the argument, it is submitted that investigation of this case has been completed, 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 duly assisted by learned counsel of the informant/respondent no. 2, while opposing the prayer of bail, submitted that informant is the eye-witness of the occurrence and occurrence is nothing but an honour killing, where, deceased solemnized her marriage with informant, who is the member of Schedule Caste community. It is further submitted that due to timely arrival of police, during occurrence, the life of informant could saved, who also received injuries. It is also pointed out that the dead body of deceased was recovered in furtherance of



confessional statement of this appellant.

10. In view of the submissions, as made above, as informant is the eye-witness of the occurrence, where, allegation is specific against this appellant to assault deceased for the simple reason that marriage was solemnized by deceased out of her caste, this Court, at present, is not inclined to grant bail to the appellants.
11. Accordingly, the prayer of bail of the appellant is rejected herewith.
12. Hence, appeal stands dismissed.
13. Learned Trial Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, so as trial may conclude within 06 (six) months from the date of receipt of a copy of this order.
14. Superintendent of Police, Biharsharif is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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