

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1531 of 2022**

Arising Out of PS. Case No.-148 Year-2021 Thana- RANIYATALAB District- Patna

JASWANT KUMAR @ BAUNA SON OF BABAN YADAV R/O VILLAGE-
ANDHARIPUR MATHIYA, P.S.- RANITALAB, DISTRICT- PATNA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Madhukar Anand, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, APP
For the Informant	:	Mr. Shashank Shekhar, 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 21.04.2022 passed by the learned Special Judge (SC & ST Act), Patna in connection with Ranitalab P.S. Case No. 148 of 2021 registered under Sections 341, 323, 324, 307, 302 and 349 of Indian Penal Code, Sections 3(II)(v) of the Schedule 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 11.08.2021
6. The allegation against the appellant is to commit murder of husband of informant along with other co-accused persons, equipped with deadly weapons, as iron rod and bamboo rod, by causing head injuries, where, occurrence is founded over flow of drainage water.
7. Learned counsel for the appellant submitted that allegation of fatal assault appears from the blow of co-accused, namely, Vikash Kumar and not by assault of this appellant, for the reason that inquest prepared immediately, thereafter, suggesting that head injury caused by sharp cut edged weapon. It is further submitted that only interested witnesses / family members of informant were examined during course of investigation, which suggest only false implication. It is further pointed out that nothing can be gathered from the face of FIR, which may suggest that the act of appellant can be said as atrocities, within the meaning of Act. While concluding the argument, it is submitted that appellant is a man of



clean antecedent and moreover, 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 the available postmortem report is more scientific and reliable *qua* inquest, which clearly indicates that death was caused by hard and blunt substance, where, allegation of fatal assault appears more convincing, against this appellant, for the reason, as he was alleged to assault by using iron rod. Learned counsel for the informant submitted that informant is the eye-witness of the occurrence and there is no reason to doubt his version, as raised through FIR.

10. In view of the submissions, as made above, as allegation to cause fatal head injury appears specific against this appellant in view of postmortem report, 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 09 (nine) months from the date of receipt of a copy of this order.

14. S.S.P., Patna, is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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