

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1543 of 2022**

Arising Out of PS. Case No.-80 Year-2021 Thana- KARTAHA District- Vaishali

=====

VIJAY SINGH Son of Pavitar Singh Resident of Village - Kartaha Jagdishpur,  
P.s.- Kartaha, Distt.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special 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, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for bail vide order dated 31.03.2022 passed by the learned Special Judge, SC/ST(POA) Act, Vaishali at Hajipur in connection with Kartaha P.S. Case No. 80 of 2021 registered under Sections 302, 201 and 34 of Indian Penal Code and Section 3(2)(v) 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 proceeding.
5. The appellant is named in F.I.R. and is in custody since 01.12.2021.
6. The allegation against the appellant is to commit murder of father of the informant, along with other co-accused persons.
7. Learned counsel for the appellant submitted that informant is not the eye-witness of the occurrence and save and except suspicion, which has been raised on the basis of input provided by unknown villagers, present case was lodged against this appellant. It is further submitted that similarly situated co-accused persons have been granted bail by one of the co-ordinate Bench of this Court, through Cr. Appeal (SJ) No. 1330 of 2022 and Cr. Appeal (SJ) No. 1342 of 2022 dated 22.09.2022. It is further submitted that nothing surfaced/recovered during the course of investigation, which may suggest, *prima-facie*, that appellant is connected with present occurrence. It has further been submitted that from bare perusal of FIR, it can not be said safely that act of appellant, attracts atrocities within the meaning of the Act. While



concluding the argument, it is submitted that the appellant is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 for the Respondent No.2/Informant, while opposing prayer for bail, fairly conceded the fact that informant is not the eye-witness of the present occurrence.

10. In view of the submissions, as made above, as the informant is not the eye-witness of the present occurrence, where, implication of this appellant is based upon mere suspicions coupled with the fact that the charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Kartaha P.S. Case No. 80 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 Special Judge, SC/ST(POA) Act, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 31.03.2022 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

S.Katyayan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

