

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1568 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Gorelal Singh Son of Late Lalan Singh Resident of Village - Pahsara, P.S. -
Nawkothe, Dist.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Rai Son of Late Bino Rai Resident of Village - Pahsara, P.S. -
Nawkothe, Dist.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sabal Kumar Jha, 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 13-10-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.

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 Court of Special Judge
SC/ST (POA) Act, Begusarai in connection with Nawkothe P.S. Case
No. 143 of 2020 registered under Sections 447, 323, 387, 504, 506,
120(B) and 34 of the Indian Penal Code, under Section 27 of the
Arms Act and under Section 3(x) of the 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 proceedings.



5. Appellant is named in F.I.R. and is in custody since 19.02.2021.

6. The allegation against the appellant is open fire upon informant and also put him in fear of death/grievous hurt for the purpose of extortion, where demand of Rs. 20,000/- per month was raised by one of the co-accused.

7. Learned counsel for the appellant submitted that the thrust of allegation as regard to demanding extortion money is available against co-accused, namely, Muna Singh. It is further pointed out that allegation is only to open fire but no allegation raised that the fire was caused with intention to cause death. It is further submitted that the similarly situated co-accused person, namely, Dilkush Kumar, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. App. (SJ) No. 3148 of 2021 vide order dated 14.09.2021. It is further submitted that nothing can be gathered from the face of F.I.R., which may suggest that act of appellant is an atrocities within the meaning of the Act. It is further pointed out that appellant involved in 9 criminal cases, where he is on bail. While concluding the argument, it is submitted that investigation is completed, for which, charge-sheet has already been submitted and, 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 thrust of allegation regarding extortion is available against co-accused Munna Singh, not against this appellant 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 Nawkothi P.S. Case No. 143 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Begusarai/concerned Court, subject to the conditions as laid down u/s 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)

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