

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1776 of 2022**

Arising Out of PS. Case No.-410 Year-2021 Thana- GAYA KOTWALI District- Gaya

Sandeep Kumar @ Hanumanma S/o Shankar Yadav R/o Mohalla- Gol Bagicha, P.S.- Kotwali, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 14-12-2022 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 08.04.2022 passed by the learned Exclusive Special Judge (SC/ST), Gaya in connection with Kotwali P.S. Case No. 410 of 2021 registered under Sections 302, 337, 338, 427, 504, 506, 120(B) and 34 of the Indian Penal Code and under Section 3(2) (va) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Learned Spl.P.P. submitted that information has already given to the informant vide order dated 29.09.2022 of this Court. Informant failed to join present proceedings.



5. Appellant is not named in F.I.R. and is in custody since 31.01.2022.

6. The allegation against the appellant is to commit murder of uncle of the informant, along with other co-accused persons for previous enmities.

7. Learned counsel for the appellant submitted that allegation, as regard to assault, is available against co-accused Mahesh Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. App. (SJ) No. 2289 of 2022. It is also submitted that appellant is not named in F.I.R. and his name surfaced during the course of investigation, as per para-27 and 28 of the case diary, where no specific overt act attributed to the appellant making allegation against him very much general and omnibus. It is also submitted that from the face of F.I.R., nothing can be gathered, which may suggest act of appellant appears an atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and moreover, investigation is completed, for which, charge-sheet is 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 appearing on behalf of informant, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

10. In view of the facts and circumstances, as mentioned above, as allegation, as regard to assault is very much general and omnibus against this appellant rather same is available against co-accused Mahesh Yadav, let the appellant, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 410 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 Exclusive Special Judge, SC/ST Act, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 08.04.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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