

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1822 of 2022

Arising Out of PS. Case No.-598 Year-2020 Thana- MUFFASIL District- West Champaran

Shambhu Mahato @ Shambhu Bhagat @ Shambhu Prasad Kushwaha Son of Jagdish Mahto Resident of Village - Barwat Sena, P.s.- Bettiah (Muffasil), Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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 19.04.2022 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge (SC/ST), West Champaran in Bettiah in connection with Muffasil P.S. Case No. 598 of 2020 registered under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r) (s) of the SC/ST Act.
3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. The hard copy of the supplementary affidavit dated 12.10.2022 made available during the course of hearing, same is



taken on record.

5. Notice has been issued to the informant, served upon but failed to join present proceedings.

6. Appellant is named in F.I.R. and is in custody since 12.03.2022.

7. The allegation against the appellant is to assault informant causing injuries, alongwith other co-accused persons, having intention to cause death due to previous enmities.

8. Learned counsel for the appellant submitted that the allegation of assault against this appellant is very much general and omnibus, where maximum allegation against this appellant is to only abusing by caste name to the informant, during the course of occurrence. It is submitted that similarly situated co-accused person, namely, Prahalad Mahto, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. App. (SJ) No. 2003 of 2021 vide order dated 27.07.2021. It is further pointed out that the face of F.I.R. is not suggesting any atrocities committed by appellant within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence.

9. 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.

10. Learned Special P.P. for the State opposes the prayer of bail.

11. In view of the facts and circumstances, as mentioned above, as allegation, regarding assault, is very much general and omnibus 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 Muffasil P.S. Case No. 598 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 Additional District and Sessions Judge 1st-cum-Exclusive Special Judge, West Champaran at Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

12. Accordingly, impugned order dated 19.04.2022 is set aside.

13. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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