

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2015 of 2022**

Arising Out of PS. Case No.-383 Year-2021 Thana- KOILWAR District- Bhojpur

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Arun Ray @ Arun Kumar Son of Birendra Ray Resident of Village -
Manacha, P.s.- Koilwar, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahavir Ram Son of Lakhan Ram Resident of Village - Mahadev Chak
Somariya, P.s.- Koilwar, Distt.- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-11-2022 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 (for short 'the Act') against
the order dated 07.05.2022 passed by the learned 1st Additional
District and Sessions Judge, Bhojpur at Ara in connection with
Koilwar P.S. Case No. 383 of 2021 registered under Sections
147, 148, 341, 307, 504, 506 and 149 of Indian Penal Code,
Section 27 of the Arms Act and Sections 3(i)(f)(g)(r)(s) and 3(2)
(va) of the Act.



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

4. Learned Spl. PP for the State submitted that notice regarding the present Court proceedings has already been issued to the informant/respondent no.2 through Superintendent of Police, Bhojpur, in terms of the order dated 28.07.2022, but informant failed to join the present proceedings despite of information.

5. Appellant is named in F.I.R. and is in custody since 25.03.2022.

6. The allegation against the appellant is to open fire upon the informant and others, alongwith co-accused persons, over an issue of disputed sand mining.

7. Learned counsel for the appellant submitted that as per the face of F.I.R., the allegation of firing is very much general and omnibus but just to implicate this appellant falsely, specific allegation has been raised in the concluding part of the F.I.R., where it has been alleged that firing of appellant caused fire arm injury on the arm of the informant. It is further submitted that in the absence of intervening circumstances, none availability of repeated firing is sufficient to suggest that appellant was not under intention to cause death. It is submitted



that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet 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 opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above and by taking note of nature of allegation, where appellant is in custody since 25.03.2022 coupled with the fact that chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 383 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 1st Additional District and Sessions Judge, Bhojpur at



Ara/concerned Court, subject to the conditions as laid down u/s
437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 07.05.2022 is
set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

Ankit/-

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