

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2017 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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Anil Ram S/o Ram Kishun Ram R/o village- Rampurwa, P.S.- Valmikinagar,
District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. S.R.P. Baxi Sinha, Sr. Advocate
	:	Mr. Zainul Abedin, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-11-2022 1. Heard learned senior counsel for the appellant,

learned Special P.P. for the State and learned counsel for the

informant 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 29.07.2021 passed by the learned Additional
District and Sessions Judge-I-cum-Special Judge, Bettiah West
Champaran in connection with Valmikinagar P.S. Case No. 20
of 2021 registered under Sections 147, 148, 149, 324, 302, 504
and 34 of Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v-a)
and 3(2)(v) of the 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 and duly represented.

5. Appellant is named in F.I.R. and is in custody since 17.03.2021.

6. The allegation against the appellant is to commit murder of father of the informant, alongwith other co-accused persons, due to previous land dispute.

7. Learned senior counsel for the appellant submitted that the allegation against the appellant is very much general and omnibus rather same is specific against co-accused, namely, Nagendra Ram, whose prayer of bail has already been rejected by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 4129 of 2021 dated 05.01.2022. It is submitted that similar situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 4086 of 2021 dated 05.01.2022. It is submitted that during the course of investigation eye witness specifically stated, while recording statement, in paragraph no. 36 of the case diary, that it was co-accused, namely, Nagendra Ram, who specifically assaulted on the head of the deceased by '*farsa*'. It is further submitted that



as the appellant is a member of Scheduled Caste community, therefore, provision of the Act is not applicable against this appellant. 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 Special P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that as per restatement of the informant, nature of allegation, as regard to assault, is very much general and omnibus against this appellant.

9. In view of the facts and circumstances, as mentioned above, as allegation regarding assault is very much general and omnibus against appellant, rather same is specific against co-accused, namely, Nagendra Ram 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 Valmikinagar P.S. Case No. 20 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 Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran/concerned Court, subject to the



conditions as laid down u/s 437(3) of the Cr.P.C.

10. Accordingly, impugned order dated 29.07.2021 is set aside.

11. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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