

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2149 of 2022**

Arising Out of PS. Case No.-246 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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SUJIT KAPAR S/o Sushil Kapar Resident of Village- Raghunathpur, P.S.- S.
Kamal, District- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nagendra Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the informant	:	Mr. Sunil Kumar Yadav, Advocate

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

- 2 01-09-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for the
respondent no.2/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, 1989
(hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for bail vide order dated 05.05.2022
passed by the learned Exclusive Special Judge SC/ST
(POA) Act in connection with S. Kamal P.S. Case No.
246 of 2021 registered under Sections 147, 149, 341, 323,
307, 354(B), 379, 504 and 506 of Indian Penal Code and



Section 3(i)(r), (s)(w) /3 (2)(va) 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 and duly represented.
5. The appellant is named in F.I.R. and is in custody since 28.03.2022.
6. The allegation against the appellant is to assault informant and other family members belongs to scheduled caste community along with other co-accused persons, equipped with *lathi*, *Danda*, *Khanti* and *Farsa*, with intention to cause death in the backdrop of previous long standing land dispute.
7. Learned counsel for the appellant submitted that though allegation against this appellant as regard to assault over the head of the informant is specific but injury is simple in nature. It is also submitted that alleged assault caused by appellant was not repeated, without any intervening circumstances, which further negates the intention of the appellant. It is also submitted that occurrence is founded over land dispute. It has further been submitted that from bare perusal of FIR, it appears



that there is no overt act against the appellant, which attracts atrocities within the meaning of the Act. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet 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 duly assisted by learned counsel for the Respondent No.2/Informant, submitted that allegation as regard to assault is specific against these appellant but fairly conceded that the nature of injury is simple and not repeated.

10. In view of the submissions, as made above, as nature of injury is simple without repetition, negating intention to cause death coupled with the fact that the charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with S. Kamal P.S. Case No. 246 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 (POA) Act, Begusarai/concerned court, subject to the following conditions:

“(i) That appellant shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellant.

(ii) Accused/appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present appeal.”

11. Accordingly, impugned order dated 05.05.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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