

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2210 of 2022**

Arising Out of PS. Case No.-43 Year-2021 Thana- SC/ST District- Saran

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Ram Bilash Mahto @ Vilash Mahto Son of Bhawsagar Mahto Resident of
Village - Molanapur, P.S.- Veldi, Distt.- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar Ram Son of Chulhai Ram Resident of village - Molanapur,
P.S.- Veldi, Distt.- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 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 24.05.2022 passed by the learned 3rd Additional
District and Sessions Judge (SC/ST), Saran in connection with
SC/ST P.S. Case No. 43 of 2021 registered under Sections 147,
148, 149, 341, 323, 324, 325, 354, 307 and 504 and later on 302
and 120(B) of the Indian Penal Code and under Sections 3(1)(r)
(s)(w) and 3(2) (va) of the SC/ST (POA) Act.



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

4. It appears from the office report that father of the respondent no. 2 refused to accept notice. Learned Spl.P.P. also submitted that informant has already been informed regarding present Court proceedings through S.P., Saran but the informant failed to join the present proceedings.

5. Appellant is named in F.I.R. and is in custody since 03.05.2021.

6. The allegation against the appellant is to commit murder of the uncle of the informant, alongwith other co-accused persons due to previous land dispute, by causing bodily injuries, where assault was caused by lathi, rod, farsa, etc.

7. Learned counsel for the appellant submitted that the allegation of assault is very much general and omnibus against all 14 named accused persons including this appellant, where land dispute and neighbourhood differences are an admitted position. It is further submitted that similarly situated co-accused person, namely, Pankaj Sah, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. App. (SJ) No. 3829 of 2021 vide order dated 24.11.2021. It is also submitted that the F.I.R., on its face,



suggests that the act of appellant cannot be said an atrocities within the meaning of the Act, as admittedly occurrence not took place in public view. 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.

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, 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 SC/ST P.S. Case No. 43 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 3rd Additional District and Sessions Judge-cum-Special Judge, Saran,



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

11. Accordingly, impugned order dated 24.05.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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