

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2191 of 2022**

Arising Out of PS. Case No.-39 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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Satya Narayan @ Satya Narayan Raut Son Of Lakshman Raut R/O- Vill-
Sabeya, P.S.- Bhangaha, Dist-West Champaran, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rishabh Kumar Mishra, Advocate
Mr.Krishna Murari, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special. PP

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

- 4 28-09-2022 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 16.06.2022 passed by the learned Additional
District & Sessions Judge-I-cum-Special Judge, SC/ST Act,
Bettiah, West Champaran in connection with Bettiah SC/ST P.S.
Case No. 39 of 2021 registered under Sections 341, 323, 324,
307, 379, 504, 506 and 34 of the Indian Penal Code and Section
3(i)(r)(ii)(V-a) of the SC/ST Act.
3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the Act.

4. Learned Special P.P. submitted that informant was duly informed in terms of order dated 04.08.2022 of this Court through S.P., West Champaran. Informant failed to join present proceeding of this Court.

5. Appellant is named in F.I.R. and is in custody since 22.05.2022.

6. The allegation against the appellant is to assault the informant by “Farsa”, causing head injury, along with other family members/co-accused, in the background of land dispute.

7. Learned counsel for the appellant submitted that allegation, as regard to, assault is specific against this appellant but the nature of injury which is simple, not appears in corroboration with nature of weapon, which might cause otherwise incised wound during ordinary course. It is submitted that only single injury was found upon informant/injured, suggesting that assault was not repeated without having intervening circumstances, which further negate intention to cause death. It is further submitted that appellant is a man of clean antecedent and also nothing can be gathered from the face of FIR that the act of appellant can be said as atrocity within the meaning of the Act. While concluding the argument, it is



submitted that investigation in this case is complete 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, while opposing the prayer of bail, fairly conceded that nature of injury as alleged to be caused by the appellant is simple in nature.

10. In view of the facts and circumstances, as mentioned above, as alleged assault is not repeated, without having intervening circumstances, where nature of injury is simple 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 Bettiah SC/ST P.S. Case No. 39 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 Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 06.12.2021 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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