

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2267 of 2022**

Arising Out of PS. Case No.-21 Year-2022 Thana- BARH District- Patna

NITISH KUMAR SON OF DHARMENDRA MAHTO RESIDENT OF
PURANI BARH, P.S.- BARH, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. MANGAL PASWAN SON OF LATE KAPIL PASWAN RESIDENT OF
UMA ASHTHAN, PURANI BARH, P.S.- BARH, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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

- 4 22-09-2022 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, 1989
(hereinafter referred to as “the Act”) against the refusal of
prayer for bail vide order dated 01.06.2022 passed by the
learned Exclusive Special Judge, SC/ST(POA) Act, Patna
in connection with Barh P.S. Case No. 21 of 2022
registered under Sections 341, 323, 307, 324, 504 and 34
of Indian Penal Code and Section 3(i)(r)(s), 3(2)(v)a 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, where, informant is duly represented.
5. The appellant is named in F.I.R. and is in custody since 17.02.2022.
6. The allegation against the appellant is to assault informant and others by knife, causing incised wounds on vital part of informant and others, along with other co-accused persons.
7. Learned counsel for the appellant submitted that appellant has been falsely implicated due to local disputes and differences. It is also submitted that allegation as regard to knife assault is very much general and omnibus against this appellant, where, only single injury was found upon each of the injured without any intervening circumstances, which is sufficient to gather that appellant was not under intention to cause death. It is also submitted that nothing can be gathered from the face of FIR that act of appellant falls under the meaning of atrocities, as defined under the Act. While concluding the



argument, it is 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, opposes the prayer of bail.
10. In view of the submissions, as made above, as allegation as regard to assault is very much general and omnibus against this appellant, let the appellant, above named, is directed to be released on bail in connection with Barh P.S. Case No. 21 of 2022 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 Court, SC/ST Act, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.
11. Accordingly, impugned order dated 01.06.2022 is



set aside.

12. Hence, appeal stands allowed.
13. The presence of I/O before this Court, is dispensed with.

(Chandra Shekhar Jha, J)

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