

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3324 of 2021**

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

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Dharmnath Singh @ Dharma S/O Rana Singh R/O Village-Mathura, P.S.-
Bidupur, District-Vaishali At Hajipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Devi W/o- Rajan Rajak R/o Vill- Khajbatti, P.S.- Bidupur, P.O.-
Chaksikander, Dist.- Vaishali(Hajipur)

... .. Respondent/s

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Appearance :

For the Appellant/s : Dr. Om Prakash Om, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 07-07-2022 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 16.08.2019 passed by the learned Additional
District Judge- 1st-cum-Special Judge, Hajipur, Vaishali in
connection with Bidupur P.S. Case No. 329 of 2018 registered



under Sections 302, 120(B), 387 and 34 of Indian Penal Code, Section 27 of Arms Act and Section 3(r)(v) of the Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act, further by taking a guiding note of the direction of the Hon'ble Supreme Court in the matter of ***IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION vide order dated 23.09.2021 passed in Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020***, where paragraph no.8 of the order reads as:

“8. Therefore, we dispose of the M.A. No. 665 of 2021 with the following directions:-

I. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021.

II. In cases where the limitation would have expired during the period



between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply.

III. -----

IV. -----.”

4. Certified copy of impugned order obtained on 04.12.2019.

5. Notice has been issued to Respondent no.2, served upon, but failed to appear.

6. Appellant is named in F.I.R. and is in custody since 08.03.2019.

7. The allegation against the appellant is to commit the murder of husband of the informant, while he refused to pay ransom, as he was engaged in illegal trading of sand.

8. Learned counsel for the appellant submitted that the name of the appellant surfaced in the present case, merely on the basis of suspicion. It is submitted that from bare perusal of the



F.I.R., nothing surfaced, which suggests that a case under SC/ST Act has been made out, even, the same has not been claim through F.I.R. by the informant. It is further submitted that informant is not the eye witness of the occurrence and nothing incriminating surfaced during the course of investigation against the appellant. It is submitted that Call Detail Report (CDR), as collected during the course of investigation, only suggests that there was a conversation between the driver of the vehicle and the deceased and same is not connected in any manner with the appellant. It is submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. It is submitted that nothing surfaced during the course of investigation, which may suggest atrocities within the meaning of the Act. While concluding the argument, it is submitted that trial is yet to be started in the present case.

9. 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.***

10. Learned Special P.P. for the State, while opposing the prayer of bail, submitted that the appeal of similarly situated



co-accused persons have already been rejected by one of the learned Co-ordinate Bench of this Court through ***Cr. Appeal (SJ) No. 5840 of 2019 dated 01.06.2020***. It is further submitted that there is strong circumstantial evidence against the appellant, as appellant was found involved on mobile with other co-accused persons at the time of occurrence as per Call Detail Report (CDR).

11. Considering the facts and circumstances, as made above, as there is strong circumstantial evidence to connect the appellant with the present set of occurrence coupled with the fact that appeal of similarly situated co-accused has already been rejected by one of the learned Co-ordinate Bench of this Court, this Court, at present, is not inclined to grant bail to the appellant.

12. Accordingly, the prayer of bail of the appellant is rejected herewith.

13. Hence, appeal stands dismissed.

14. Trial Court is directed to proceed with the matter by taking it on board, on daily basis and conclude the trial within a period of six months, from the date of receipt of this order.

15. Superintendent of Police, Vaishali is directed to



produced the chargesheeted witnesses, as and when directed by
the Trial Court, for expeditious disposal of trial, within
stipulated period, as above.

(Chandra Shekhar Jha, J)

Ankit/-

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