

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2262 of 2022**

Arising Out of PS. Case No.-162 Year-2021 Thana- RIVILGANJ District- Saran

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Vicky Singh S/O Rajendra Singh Resident of Village- Sirisiya, P.S.- Rivilganj
(Chhapra), District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha, Advocate
For the Respondent/s : Ms.Usha Kumari 1, 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 as well as appearing on behalf of the 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 (for short 'the Act') against the order dated 24.05.2022 passed by the learned Additional District Judge-3rd-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Rivilganj P.S. Case No. 162 of 2021 registered under Sections 341, 323, 504, 354, 324 and 34 of



Indian Penal Code and Section 3(i)(r)(s)(w) 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. Appellant is named in F.I.R. and is in custody since 21.04.2022.

6. The allegation against the appellant is to assault the informant and her daughter and also to outrage her modesty, along with other co-accused persons.

7. Learned counsel for the appellant submitted that thrust of allegation, as regard to assault on head of the informant, is against co-accused, Santosh Singh, where allegation against this appellant is limited only outrage modesty of daughter of the informant, just only to aggravate the allegation. It is submitted that occurrence is founded over local disputes and differences, where petitioner implicated in this case, for the reason, of his criminal antecedents, as he involved in three (3) cases, having no bearing over merit of this case. It is further submitted that the act of the appellant cannot be said as an 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 duly assisted by learned counsel for the informant, oppose the prayer of bail

10. In view of the facts and circumstances, as mentioned above, as allegation as regard to assault is specific against co-accused, Santosh Singh, coupled with the fact charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Rivilganj P.S. Case No. 162 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 District Judge-3rd-cum-Special Judge, SC/ST Act, Saran at Chapra/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)

R.S.Sen/-

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