

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2361 of 2022

Arising Out of PS. Case No.-291 Year-2022 Thana- BODHGAYA District- Gaya

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1. BINAY MANJHI Son of Rampreet Manjhi Resident of Village - Piparpanti (Mastipur), Police Station- Bodhgaya, District - Gaya.
 2. Ajay manjhi Son of Rampreet Manjhi Resident of Village - Piparpanti (Mastipur), Police Station- Bodhgaya, District - Gaya.
 3. Uday Manjhi Son of Rampreet Manjhi Resident of Village - Piparpanti (Mastipur), Police Station- Bodhgaya, District - Gaya.
 4. Ramjane Manjhi Son of Rampreet Manjhi Resident of Village - Piparpanti (Mastipur), Police Station- Bodhgaya, District - Gaya.
 5. Dheeraj manjhi @ Dhiraj Manjhi Son of basudeo Manjhi Resident of Village - Piparpanti (Mastipur), Police Station- Bodhgaya, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Paswan Son of Gola Paswan Resident of Village - Mastipur, Police Station- Bodhgaya, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vindhya Keshri, Senior Advocate Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Baxy S.R.P. Sinha, Senior Advocate Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 5 16-11-2022 1. Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.
2. The appellants have 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 20.06.2022 passed by the learned Exclusive Special Judge, SC/ST(POA) Act, Gaya in connection with Bodhgaya P.S. Case No. 291 of 2022 registered under Sections 147, 148, 149, 307, 504, 506 and 447 of Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(v) of 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. The appellants are named in F.I.R. and are in custody since 02.06.2022.
6. The allegation against the appellants is to cause bodily injury, while equipped with *lathi*, *danda*, sword, etc. with further allegation to fire and to abuse by caste name to informant and others, having intention to cause their death.
7. Learned senior counsel for the appellants submitted that allegation as regard to assault is very much general and omnibus against all 05 appellants, who were also the member of Scheduled caste community. It is further



submitted by learned senior counsel as appellants belongs to same community, therefore, provision of SC/ST Act, is not applicable, in this case. It is further submitted that firearm injury was not received by any person, and moreover injuries received by Asgar Alam @ Kariyal Khan, is simple, which negates the intention to cause death. 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 senior counsel for the appellants 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 senior counsel for the Respondent No.2/Informant, while opposing prayer for bail, submitted that caste name is made in public view, but fairly conceded the fact that appellant belongs to Scheduled caste community.
10. In view of the submissions, as made above, as



allegation as regard to assault is very much general and omnibus against all above-named 05 appellants, who are also member of scheduled caste community coupled with the fact that charge-sheet has already been submitted, let all the 05 appellants, above named, are directed to be released on bail in connection with Bodhgaya P.S. Case No. 291 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST(POA) Act, Gaya/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 20.06.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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