

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2346 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- WAJIRGANJ District- Gaya

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Ankush Kumar Son of Kamal Dev Singh Resident of Village - Manaini,
Police Station- Wazirganj, District – Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhushan Chaudhary Son of Late Saryu Chaudhary Resident of Village -
Pipra, Police Station- Wazirganj, District - Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-09-2022 1. Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel for 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 13.06.2022 passed by the learned Exclusive Special Judge,
(SC/ST), Gaya in connection with Wajirganj P.S. Case No. 237 of
2020 registered under Sections 341, 342, 323, 307, 504, 506, 379 and
34 of the Indian Penal Code and under Sections 3(ii) (r) (s), 3(2) (V)
(a) 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. Appellant is named in F.I.R. and is in custody since 20.04.2022.

6. The allegation against the appellant is to assault informant and others causing head injury while equipped with iron rod etc.

7. Learned counsel for the appellant submitted that the occurrence was free fight and as such intention of causing death cannot be gathered. It is further submitted that nature of allegation is general and omnibus and same is also not in corroboration with alleged weapons, which was alleged to cause injury. It is also submitted that nature of injury, as shown grievous is also appearing doubtful for the reason that alleged wound not falls under the definition of “grievous hurt” as provided under Indian Penal Code. It is also submitted that the act of appellant cannot be said atrocity within the meaning of the Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent, where implication is based on local political differences, while remaining in isolation in quarantine centre, during Covid-19.

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 appearing on behalf of informant, while opposing the prayer of bail, fairly conceded the fact that alleged assault was not made exclusively by this appellant, as per F.I.R.

10. In view of the facts and circumstances, as mentioned above, as alleged assault is general and omnibus, where, it cannot be gathered on its face that appellant was under intention to cause death, let the appellant, above named, is directed to be released on bail in connection with Wajirganj P.S. Case No. 237 of 2020 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 Judge, SC/ST (POA), Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 13.06.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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