

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2360 of 2022**

Arising Out of PS. Case No.-134 Year-2022 Thana- AMAS District- Gaya

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RAMESH SHARMA @ RAJESH KUMAR SHARMA S/o Laldeo Sharma
R/o village- Jhari, P.S.- Amas, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheela Devi W/o Alok Rajak R/o village- Jhari, P.S.- Amas, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special 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 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 22.06.2022 passed by the learned Exclusive Special Judge SC/ST, Gaya, in connection with Amas P.S. Case No. 134 of 2022 registered under Sections 323, 341, 504, 506, 307 and 34 of Indian Penal Code and Section 3(i)(r)(s) 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, as per report of S.S.P., Gaya dated 13.09.2022, placed before this Court, during course of hearing and same is taken on record, but informant failed to join the present proceeding.
5. The appellant is named in F.I.R. and is in custody since 08.05.2022.
6. The allegation against the appellant is to assault the husband of informant along with other co-accused persons with further allegation of pressing neck causing bodily injury, having intention to cause death.
7. Learned counsel for the appellant submitted that the present application is completely false and concocted, which is founded over draining of rain water. It is also submitted that informant is not the eye-witness of the occurrence, where, allegation is based upon suspicion and hearsay version. It is further pointed out that injuries sustained are simple in nature, as such, it cannot be gathered that appellant was under intention to cause death. It is further pointed out that nothing can be gathered from the face of FIR, where, it can be said that



act of the appellant falls under the category of atrocities, as defined under the Act. It is also submitted that the appellant is a man of clean antecedent. 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, while opposing prayer for bail, fairly conceded the fact that informant is not the eye-witness of the present occurrence.
10. In view of the submissions, as made above, as informant is not the eye-witness of the present occurrence and also by considering the nature of injury, it cannot be gathered that appellant was under intention to cause death, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, let the appellant, above named, is directed to be released on bail



in connection with Amas P.S. Case No.134 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 Judge SC/ST, Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.06.2022 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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