

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2418 of 2022**

Arising Out of PS. Case No.-117 Year-2020 Thana- PATEPUR District- Vaishali

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Billa @ Ravindra Kumar S/O Rajesh Mahto Resident of village- Bishunpur
Katesar, P.S.- Baligaon, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumar S/O Vinod Sah Resident of Village- Kasturi Sarai, P.S.-
Patepur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 02-11-2022 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 30.06.2022 passed by the learned Special Judge, SC/ST Act,
Vaishali at Hajipur in connection with Patepur P.S. Case No. 117 of
2020 registered under Sections 393, 307 and added Section 302 of
Indian Penal Code, Section 27 of Arms Act and Section 3(2)(va) 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 not named in F.I.R. and is in custody since 27.05.2022.

6. The allegation against the appellant is to make an attempt for committing robbery and while making attempt caused firearm injury to one Mahesh Paswan.

7. Learned counsel for the appellant submitted that the appellant is not named in F.I.R. and his name surfaced during investigation on the basis of confessional statement of one Rahul Kumar, in furtherance of which no incriminating material was recovered/surfaced which may connect this appellant, *prima facie*, with present attempt of robbery. It is further submitted that similarly situated co-accused person has already been granted bail by a learned Co-ordinate Bench of this Court through order dated 13.10.2022 as passed in Cr. App. (SJ) No. 1928 of 2022. It is also submitted that appellant named in present case only for his criminal antecedent, as he found involved in 6 more criminal cases, where name of appellant also surfaced on the basis of confessional statement as of present case, where he is already acquitted in 3 cases. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has 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. duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer of bail fairly conceded the fact that appellant is not named in F.I.R.

10. In view of the facts and circumstances, as no incriminating material surfaced/recovered to connect appellant with present occurrence coupled with the fact that charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Patepur P.S. Case No. 117 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 Special Judge, SC/ST Act, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 30.06.2022 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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