

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2476 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Navneet Kumar @ Khaikha S/o Mahendra Singh Resident of Village- Bade
Hasanpur, Police Station- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritu Das S/o Late Ashin Das Resident of Village- Kaneri, Police Station-
Jagdishpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate
For the Respondent/s : Mr. Special. P.P

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 (for short 'the Act') against
the order dated 12.07.2022 passed by the learned Additional
Session Judge-III-cum-Special Judge (SC/ST Act) Bhagalpur, in
connection with Jagdishpur P.S. Case No. 121 of 2022,
registered under Sections 341, 323, 379, 504, 506 and 34 of the



Indian Penal Code and under Section 3(1)(r) SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Learned counsel appearing on behalf of the Special P.P. submitted that informant refused to accept notice, as per letter furnished by I/O of this case. Informant failed to join the present Court proceeding.

5. Appellant is named in F.I.R. and is in custody since 04.06.2022.

6. The allegation against the appellant is to assault the informant and others, along with other co-accused persons, who were equipped with lathi etc., and also taken away cash of Rs. 400/-, available in the pocket of the informant at the time of occurrence.

7. Learned counsel for the appellant submitted that allegation against the appellant, as raised through this FIR, is very much general and omnibus, where allegation is based upon false and concocted reasons, as parties are under inimical terms due to local differences. It is further submitted that allegation as abusing caste name is not in public view and, as such, it cannot be said that any atrocities was committed 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, opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, and also considering the nature of accusation, where charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Jagdishpur P.S. Case No. 121 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 Additional Sessions Judge (SC/ST Act), Bhagalpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 12.07.2022 is set aside.

12. Hence, appeal stands allowed.



13. The presence of I/O of this case, before this Court,
is dispensed with.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

