

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2477 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- BASANHI District- Saharsa

Mrityunjay Singh @ Ranveer Singh @ Mrityunjay Singh Son of Rana Prasad Singh @ Rana Pratap Singh R/O Village- Sahsaal, P.S.- Basnahi, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Vibha Devi Wife of Late Santosh Sada Resident of Bathnaha Ward No.-12, P.S.- Basnahi, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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 23.06.2022 passed by the learned Additional Sessions Judge-III, Saharsa-cum-Special Judge SC/ST (POA) Act, Saharsa in connection with Basnahi P.S. Case No. 27 of 2022 registered under Sections 302, 324, 34 of I.P.C. and Section 3(2)(va) of SC/ST (POA) 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 22.02.2022.

6. The allegation against the appellant is to commit murder of husband of the informant.

7. Learned counsel for the appellant submitted that the informant is not the eye witness of the occurrence and entire implication is based upon suspicion for the reason that appellant called deceased from his house on last occasion to open his shop. It is further submitted that nothing surfaced during the course of investigation which may connect appellant, *prima facie*, with present set of occurrence and as appellant involved in 2 criminal cases of petty nature, where he is on bail, has been falsely implicated in present case also. It is also submitted that from the face of F.I.R. it cannot be gathered that act of appellant is an atrocities within the meaning of Act. 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 informant while opposing the prayer of bail fairly conceded the fact that informant is not the eye witness of the occurrence.

10. In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced during the investigation to connect appellant, *prima facie*, 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 Basnahi P.S. Case No. 27 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-III, Saharsa-cum-Special Judge SC/ST (POA) Act, Saharsa/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 23.06.2022 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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