

Arising Out of PS. Case No.-329 Year-2018 Thana- BIDUPUR District- Vaishali

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... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate

For the Appellant/s : Mr. Homeshank Ramani, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-12-2022 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 25.03.2022 passed by the learned Special Judge, SC/ST (POA)Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 329 of 2018 registered under Sections 302, 120(B), 387, 34 of IPC, 27 of the Arms Act and Sections 3 (2)(V) of the Act.

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

4. It is submitted by learned Counsel appearing on behalf of the appellant that notice was given to the informant in terms of vide order dated 02.11.2022 about the current Court proceeding, but



informant failed to join current Court proceeding.

5. Appellant is not named in F.I.R. and is in custody since 02.07.2019.

6. The allegation against the appellant is to commit murder of husband of informant alongwith other co-accused persons, as deceased/husband of informant refused to pay ransom money.

7. Learned counsel for the appellant submitted that the name of appellant surfaced on the basis of confessional statement of co-accused, namely, Dharmendra @ Dharam Singh, in furtherance of, which nothing surfaced/recovered during the course of investigation, which may connect this appellant, *prima facie*, with present set of occurrence of murder. It is further submitted that similarly situated co-accused persons, namely, Sanoj Kumar @ Chotu @ Sanoj Kumar Rai @ Sanoj Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. APP(SJ) No. 276 of 2020 vide order dated 23.01.2020. It is also submitted that appellant involved in 11 more criminal cases and for the same reason, appellant implicated in present case also, without having any connecting evidence. It is also submitted that in maximum of these cases, the name of appellant surfaced on the basis of confessional statement, as of the present case, having otherwise no bearing over the merit of present case. It is also submitted that no atrocities can be gathered from the face of F.I.R. 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. opposed the prayer of bail.

10. In view of the facts and circumstances, as no incriminating material recovered/surfaced to connect this appellant, *prima facie*, with present set of 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 Bidupur P.S. Case No. 329 of 2018 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 (POA) Act, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned:

“(i) Accused/Appellant shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court,



only on medical ground of the
appellant duly supported by the
documents.

(ii) That one of the
bailors shall be deponent of the
present appeal.”

11. Accordingly, impugned order dated 25.03.2022 is set
aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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