

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2688 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- BARH District- Patna

Mukku Kumar @Mukul Kumar @ Mukul Singh Son of Hardeo Singh
Resident of Village- Langarpur barh, P.O. and P.S.- Barh, District- Patna
(803213).

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi Wife of - Late Suraj Paswan Resident of Village - Hussainganj Langarpur barh, P.O. and P.S.- Barh, District- Patna (803213).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Apurva Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-12-2022 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 16.06.2022 passed by the learned Court of Special Judge (SC/ST) Act, Patna in connection with Barh P.S. Case No. 142 of 2021 registered under Sections 302 and 34 of the Indian Penal Code, under Section 27 of the Arms Act and Section 3(2) (V) of the SC/ST Act.

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

4. It is submitted by learned Special P.P. that informant



has already been informed through local police in terms of direction of this Court vide order dated 02.11.2022.

5. Appellant is named in F.I.R. and is in custody since 19.04.2021.

6. The allegation against the appellant is to commit murder of husband of the informant, alongwith other co-accused persons, by causing fire arm injuries due to previous enmities.

7. Learned counsel for the appellant submitted that the allegation against this appellant is very much general and omnibus and merely suspicion has raised, where informant is not the eye witness of the occurrence. It is submitted that the allegation to call deceased from home is available against co-accused Ranjit Kumar. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. App. (SJ) No. 4038 of 2021 vide order dated 27.01.2022. It is also submitted that from the face of F.I.R., nothing can be gathered, which may suggest that the act of appellant said an atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted and, 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, as allegation available against this appellant is very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Barh P.S. Case No. 142 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, SC/ST Act, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 16.06.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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