

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2680 of 2022

Arising Out of PS. Case No.-305 Year-2022 Thana- PHULWARISHARIF District- Patna

Md Saddam Son of Md. Iliyas Resident of Village - Petrol Line Near baitul Karim Masjid, Naya Tola, Phulwari Sharif, P.s.- Phulwari Sharif, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shadab Akhter, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP

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 22.06.2022 passed by the learned Special Judge SC/ST, Patna Sadar, District- Patna in connection with Phulwari Sharif P.S. Case No.305 of 2022 registered under Sections 302, 120B and 34 of the Indian Penal Code and Section 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 Special P.P. that information has been given to the informant, in terms of the order dated 02.11.2022 about the present Court proceedings, but informant failed to join the present proceedings.

5. Appellant is named in F.I.R. and is in custody since 25.03.2022.

6. The allegation against the appellant is to commit murder of the son of the informant, as illicit relation of the appellant with the wife of the deceased was objected by the deceased/son of the informant.

7. Learned counsel for the appellant submitted that informant is not the eye witness of the occurrence and, merely, on the basis of suspicion as wife of the deceased developed extra marital affairs with this appellant, name of the appellant has been falsely implicated in the present case. It is submitted that, admittedly, both the appellant and the deceased were known to each other, as they usually stall their temporary shop together and due to misconception of the facts, a suspicion was raised for illicit relation. It is also submitted that a self



confession of the appellant was also recorded during the course of investigation, where no incriminating material recovered/surfaced to connect this appellant with the present set of occurrence. It is also submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet 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. for the State, opposes the prayer of the bail.

10. In view of the facts and circumstances, as mentioned above, as save and except suspicion arises out of illicit relation, no incriminating material recovered/surfaced during the course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence, let the appellant,



above named, is directed to be released on bail in connection with Phulwari Sharif P.S. Case No.305 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 Special Judge SC/ST, Patna Sadar, District- Patna/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.06.2022 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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