

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2691 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- SC/ST District- Banka

=====

Siyaram Yadav Son of Jagdish Yadav R/O Village- Letwa, P.S.- Suiya,
District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Chaudhary Son of Sri Bachchu Chaudhary R/O Village- Barsaliganj, P.S.- Mojahidpur, Dist.- Bhagalpur, Pin Code- 813105, At Present Panchayat Rojgar Sewak, Gram Panchayat Raghunathpur, Block- Belhar, District- Banka, Pin Code- 813102

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr.Bharat Lal, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Special.P.P.
For the Informant	:	Mr.Anil Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-09-2022 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 11.07.2022/12.07.2022 passed by the learned Additional Sessions Judge-I, Banka, in connection with SC/ST. P.S. Case No. 13 of 2022 registered under Sections 341, 323, 385, 353, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(Va) of the SC/ST 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 23.06.2022.

6. The allegation against the appellant is to extort the informant and also deter the informant, in discharging his duties, who claimed to be a public servant.

7. Learned counsel for the appellant submitted that the appellant has falsely been implicated in this case due to local differences and political rivalry at panchayat level. It is submitted that allegation is appearing, on its face, superficial, where no transactions, in furtherance of extortion, taken place. It is further submitted that differences between the parties, has now been compromised, which is the basis of lodging present FIR. It is also submitted that act of the appellant cannot be gathered as of such nature, which may invite atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and, moreover, 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 duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the factum of compromise regarding differences between the parties. It is further submitted that no transaction was made, in furtherance of extortion.

10. In view of the facts and circumstances, as mentioned above, and also by considering the nature of allegation, which is appearing very much general and omnibus, in the background of local disputes and differences coupled with the fact the charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with SC/ST. P.S. Case No. 13 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-I, Banka/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated
11.07.2022/12.07.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

