

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2765 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- RIGA District- Sitamarhi

SHIPU SINGH @ SHIPU KUMAR S/o Pramod Singh Resident of Village -
Righa Tole Ramnagar, P.S.- Riga, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Harischandra Paswan @ Harichandra Paswan S/o Late sukhadeo paswan
Resident of Village - Righa Tole Ramnagar, Ward No. -1P.S.- Riga, District -
Sitamarhi.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-12-2022 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 22.07.2022 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Sitamarhi in connection with Riga P.S. Case No. 123 of 2022
registered under Sections 302 and 34 of the Indian Penal Code,
Section 27 of the Arms Act 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. Spl.P.P. submitted that information has been given to informant in terms of order dated 02.11.2022, but informant failed to join present proceedings.

5. Appellant is named in F.I.R. and is in custody since 28.04.2022.

6. The allegation against the appellant is to commit murder of son of the informant, along with other co-accused persons, after calling from home.

7. Learned counsel for the appellant submitted that the maximum allegation, which appears against this appellant, is of last seen category, where appellant called deceased from his house to join a party, being a friend. It is submitted that on the basis of said suspicion, the appellant has falsely been implicated in the present case, where nothing surfaced during the course of investigation, which may incriminate appellant, *prima facie*, with the present set of occurrence. It is further submitted that even as per FIR, the enmity not appears with this appellant, rather same appears with co-accused, Sanjeev Kumar, which arises due to land dispute. 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 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 opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as save and except last seen, nothing surfaced during the course of investigation, to connect this appellant with the present set of occurrence/accusation 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 Riga P.S. Case No. 123 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 Addl. Sessions Judge-cum-Spl. Judge SC/ST (POA) Act/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 22.07.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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