

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2857 of 2022**

Arising Out of PS. Case No.-143 Year-2021 Thana- DINARA District- Rohtas

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Ramashray Singh Son Of Late Shri Mishri Singh R/O Village- Karanj, P.S.-
Dinara, District- Rohtas- 802213c

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Jitendra Kumar Ram Son Of Sri Kameshwar Ram R/O Village- Karanj, P.S.-
Dinara, District- Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Satyabir Bharti, Advocate Ms.Prachi Pallavi, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 18.07.2022 passed by the learned Additional
District and Sessions Judge-17-cum-Special Judge, SC/ST Act,
Rohtas at Sasaram in connection with Dinara P.S. Case No. 143
of 2021 registered under Sections 366(A) and 120(B) of Indian
Penal Code and Section 3(i)(r)(s)(w) 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 04.04.2022.

6. The allegation against the appellant is to commit murder of cousin of the informant, along with other co-accused persons, by causing fire arm injuries, due to previous enmity, which arises out of land dispute.

7. Learned counsel for the appellant submitted that from the bare perusal of the FIR, it appears that appellant was the only part of crowd, where maximum allegation is appearing as of order giver or to instigate other co-accused persons. It is submitted that other co-accused person, Shiv Jee Singh, as alleged to assault to Satish Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 4545 of 2021 vide order dated 12.05.2022, whereas co-accused namely, Raja Ram Singh @ Rajaram Singh, having almost similar allegation, has also been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appl. (SJ) No. 4509 of 2021 vide order dated



28.04.2022. It is submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant is an 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 allegation against appellant is maximum appears to be of order giver, being a part of crowd having without any specific allegation towards alleged assault, 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 Dinara P.S. Case No. 143 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 Additional District and Sessions Judge-17-cum-Special Judge, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 18.07.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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