

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2973 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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ASLAM MIAN @ MD. ASLAM Son of Late Md. Gayasuddin Resident of
Village - Khadda Rahimpur, P.S.- Nautan, District - West Champaran, At
present Sagar Pokhara at South Corner, P.S.- Bettiah (Town), District - West
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramu Kumar Ram Son of Chhotelal Ram Resident of Village - Khadda
Bangla Tola, Ward No.- 1, P.S.- Nautan, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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| 3 | 14-12-2022 | <ol style="list-style-type: none">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, 1989

(hereinafter referred to as “the Act”) against the refusal of

prayer for bail vide order dated 01.08.2022 passed by the

learned 1st Additional District and Sessions Judge-cum-

Special Judge, SC/ST(POA) Act, Bettiah, West

Champaran in connection with Bettiah (Town) P.S. Case |
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No. 224 of 2022 registered under Sections 406, 420 and 34 of Indian Penal Code and Section 3(i(r) and 3(2)(v-a) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. Special P.P. submitted that information given to the informant, but fails to join the present proceedings. Learned counsel for the informant also submitted that information given to the informant in terms of order dated 02.11.2022, but fails to join the proceedings.
5. The appellant is named in F.I.R. and is in custody since 22.04.2022.
6. The allegation against the appellant is to cheat the informant for a sum of Rs. 3,90,000/- (Rupees Three Lac and Ninety Thousand Only) along with other co-accused persons, in connection with purchasing of one Bolero four wheeler.
7. Learned counsel for the appellant submitted that face of FIR, suggest that as informant could not initiate a proceeding under Section 138 of the Negotiable Instrument Act against co-accused, namely, Chandan Mishra, within prescribed time period, as per the



procedure laid down under Section 142 of the Negotiable Instrument Act, the present false accusation was made. It is submitted that thrust of allegation is available against co-accused, namely, Chandan Mishra, as per FIR. Learned counsel further submitted that FIR fails to suggest on its face that act of appellant can be said an atrocities, within the meaning of Act. While concluding the argument, it is submitted that investigation of this case has been completed, 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 submissions, as made above, as the matter appears to related with dishonour of cheque, where, appellant was alleged to be one of the associate of main accused, namely, Chandan Mishra, who alleged to



issued cheques to informant coupled with the fact that the charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Bettiah (Town) P.S. Case No. 224 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 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Bettiah, West Champaran, subject to conditions, as mentioned under Section 437 (3) of the Cr.P.C.

11. Accordingly, impugned order dated 01.08.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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