

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2853 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- BELSAND District- Sitamarhi

1. Sanjay Kumar @ Sanjay Bhagat S/o Mahesh Bhagat Resident of Village- Garhwa Pachnaur, Ward No.13, P.O.- Marhi, P.S.- Belsand, District- Sitamarhi.
2. Shrawan Kumar @ Shrawan Bhagat S/o Mahesh Bhagat Resident of Village- Garhwa Pachnaus, Ward No.13, P.O.- Mashi, P.S.- Belsand, District- Sitamarhi.
3. Radhey Shayam Singh @ Radhey Shayam Bhagat S/o Ram Nath Singh Resident of Village- Ward No.2, Balua, P.O.- Sirauli, P.S.- Riga, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Naushad Khan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-12-2022 1. Heard learned counsel for the appellants and learned Special P.P. for the State on point of admission and on merit also.

2. The appellants have 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 18.05.2022 passed by the learned Additional District Judge-I-cum-Special Judge (SC/ST) Act, Sitamarhi in connection with Belasand P.S. Case No. 17 of 2022 registered under Sections 302 and 34 of the Indian Penal Code and under



Section 3(2) (V) of the SC/ST 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 notice has been served upon to the informant through whatsapp vide order dated 02.11.2022.

5. Appellant is named in F.I.R. and is in custody since 04.04.2022.

6. The allegation against the appellants is to commit murder of son of the informant, alongwith other co-accused persons.

7. Learned counsel for the appellants submitted that the name of appellants falsely implicated in present case due to previous enmities and also for only reason as appellants found present at the place of occurrence, alongwith other co-accused persons. It is submitted that allegation against appellants is very much general and omnibus without specifying any overt act. It is also submitted that the act of appellants is not of such nature, which may be said to be an atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of



tampering with the evidence.

8. Learned counsel for the appellants 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 regarding assault is very much general and omnibus against these appellants coupled with the fact that charge-sheet has already been submitted, where all three appellants are in custody since 04.04.2022 let the appellants, above named, are directed to be released on bail in connection with Belasand P.S. Case No. 17 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 District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial



Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

11. Accordingly, impugned order dated 18.05.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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