

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2947 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- PURNAHYA District- Sheohar

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SHEKHAR KUMAR SON OF SANJAY DWIVEDI @ SANJAY DUBEY
R/O VILLAGE- BAKHAR CHANDIHA, P.S.- PURNAHIYA, DISTRICT-
SHEOHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNITA DEVI WIFE OF SANJAY RAM R/O VILLAGE- BAKHAR
CHANDIHA, P.S.- PURNAHIYA, DISTRICT- SHEOHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Ritesh Neeraj Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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| 3 | 14-12-2022 | 1. | <p>Heard learned counsel for the appellant and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.</p> <p>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 07.07.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sheohar in connection with Purnahiya</p> |
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P.S. Case No. 44 of 2022 registered under Sections 302, 307, 324 and 34 of Indian Penal Code and Sections 3(2)(va) and 3(2)(v) of 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. The appellant is named in F.I.R. and is in custody since 10.03.2022.

6. The allegation against the appellant is to commit murder of the son of the informant along with other co-accused persons, for a dispute, arises out of pending wages.

7. Learned counsel for the appellant pointed out paragraph no. 72 of the case diary, where, it appears that during course of investigation specific allegation of fatal assault appears available against co-accused, namely, Lalu Kapar and Shivam Kumar, not against this appellant. It is also submitted that face of FIR is not suggesting that act of petitioner as an atrocities, within the meaning of Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and moreover,



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 duly assisted by learned counsel for the Respondent No.2/Informant, opposes the prayer of bail.
10. In view of the submissions, as made above, as allegations as regard to fatal assault is not available against this appellant, as surfaced during course of investigation, where, appellant is a man of clean antecedent 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 Purnahiya P.S. Case No. 44 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 Sessions Judge-cum-Special Judge,



SC/ST(POA) Act, Sheohar/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 07.07.2022 is set aside.
12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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