

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3120 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Sanjit Sah Son Of Ramyas Sah Resident Of Village- Rain Shankar P.S.- Runni Saidpur, District- Sitamarhi (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi Wife Of Nagendra Baitha Resident Of Village- Rain Shankar, P.S.- Runni Saidpur, District- Sitamarhi (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-12-2022 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 02.08.2022 passed by the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST, Sitamarhi in connection with Runni Saidpur P.S. Case No. 133 of 2022 registered under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Learned Spl.P.P. submitted that information has been given to Respondent no.2/informant in terms of order dated 16.11.2022, but failed to join present proceedings.

5. Appellant is named in F.I.R. and is in custody since 06.07.2022.

6. The allegation against the appellant is to assault informant and other family members with knife, katiya, lathi, rod etc., having intention to cause their death, due to previous enmities arises out of local dispute and differences.

7. Learned counsel for the appellant submitted that allegation as regard to assault is very much general and omnibus against this appellant. It is submitted that injury received by the injured, as alleged, is simple in nature and same was caused by hard and blunt substances, negating the allegation that assault was caused by knife, katiya etc. weapons, which appear as sharp cutting/edged weapons. It is further submitted that nature of injury clearly suggests that appellant was not under intention to cause death of informant or any of the injured family members. It is also submitted that nothing surfaced from the face of F.I.R., which may suggest that the act of appellant can be said an



atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet 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 regard to assault is very much general and omnibus, where nature of injury found simple, negating the intention to cause death on its face, let the appellant, above named, is directed to be released on bail in connection with Runni Saidpur P.S. Case No. 133 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 Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 02.08.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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