

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3192 of 2022**

Arising Out of PS. Case No.-8 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Dr. Amit Kumar @ Dr. Amit Kumar Singh Son of Sri Umakant Ram Resident
of Swami Vivekanand Path Near District Judge, Children Park, Smart City,
P.S- Bhagalpur, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Babloo Paswan Son of Late Rohit R/V- Mohaddinagar, P.S- Mozahidpur,
Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shambhu Sharan Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, 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 18.08.2022 passed by the learned 3rd Additional
Sessions Judge-cum-Special Judge, SC/ST, Act, Bhagalpur in



connection with Complaint Case No. 08 of 2019 registered under Sections 341, 232, 354(B), 420, 406 and 34 of the Indian Penal Code and Section 3(x)(xi) 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 complaint case and cognizance has been taken by Special SC/ST Court against appellant vide order dated 02.11.2021.

6. The allegation against the appellant is to cheat complainant for sum of Rs. 2,65,000/- (Rupees Two Lakh Sixty Five Thousand), along with other co-accused persons, for providing a compensatory job.

7. Learned counsel for the appellant submitted that the appellant is an RTI activist of the locality and help peoples of locality without charging any fee. It is submitted that money was not deposited in the name of the appellant, rather it was deposited in the name of co-accused, namely, Pritam Kumar, as it appears from S.A. of complainant on court question. It is further submitted that appellant involved in three (3) criminal



cases, where he is on bail. It is also submitted that nothing surfaced from the face of complaint, which may suggest that the act of the appellant can be said an atrocities withing the meaning of the Act.

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. opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as alleged amount was not deposited in the bank account of this appellant, let the appellant, above named, is directed to be released on bail in connection with Complaint Case No. 08 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST, Act, Bhagalpur/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 18.08.2022 is set aside.



12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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