

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3285 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

Upendra Chaudhary Son of Jagdev Chaudhary Resident of Village-
Jagdishpur Harpurhar Das, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 20-10-2022 1. Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the informant 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 22.08.2022 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021 registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332, 171 of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of the D.P. Act, Section 131, 134(b), 135, 135(A) of the R.P. Act and Section 3(I)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

4. As informant is the State for this present case. The notice is accepted by Special P.P. on behalf of the concerned department.

5. Appellant is named in F.I.R. and is in custody since 30.07.2022.

6. The allegation against the appellant and several co-accused persons is to attack on the polling booth and to assault the several police personnel brutally and also to damage the EVM and to open fire.

7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in this case due to high-handedness of the police. It is submitted that allegations, as alleged through present F.I.R. against appellant, is not specific rather general and omnibus in nature. It is further submitted that nothing surfaced, on its face, which may suggest that the act of appellant was within the meaning of atrocities, as defined under the Act. Learned counsel further submitted that main co-accused, namely, Priyanka Sinha has already been enlarged on anticipatory bail by a learned Co-ordinate Bench of this Court through order dated 22.03.2022 as passed in Cr. App. (SJ) No. 218 of 2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has 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. has opposed the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as nature of allegations as, alleged through F.I.R. against appellant, is very much general and omnibus coupled with the fact that charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Kalyanpur P.S. Case No. 287 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 26.08.2022 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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