

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4543 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- RIVILGANJ District- Saran

Shri Bhajan Rai @ Sri Bhagwan Rai Son of Late Somaru Rai Resident of Semariya, Naya Basti, South to near Railway Line, P.S.- Revilganj, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sugrim Manjhi @ Sugriv Manjhi son of Late Harimuni Manjhi Resident of Nayka Barka Baiju Tola, P.S.- Revilganj, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 07-07-2022 1. 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.
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 21.10.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Revilganj P.S. Case No. 230 of 2021 registered under Sections 302, 201 and 34 of Indian Penal Code and



Section 3(2)(v) of the Schedule Caste and Schedule Tribe (POA) Act, 1989.

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 the F.I.R. and is in custody since 30.06.2021.
6. The allegation against the appellant is to commit murder of son of the informant, who is member of SC community, along with other co-accused persons.
7. Learned counsel for the appellant submitted that except confessional statement of the appellant, nothing surfaced during course of investigation, which may implicate or connect the appellant with the present occurrence. It has further been submitted that the appellant is a man of clean antecedent. It has further been submitted that the appellant implicated falsely in present case to create a pressure for compromise in Complaint Case No. 15131 of 2021 filed before Additional Chief Judicial Magistrate, Chapra, regarding kidnapping of minor son of the appellant. It is further submitted that



from bare perusal of FIR, it cannot be said that it is a case of atrocities within 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. for the State duly assisted by learned counsel of the informant/respondent no. 2 Sri Narendra Kumar, vehemently opposed the bail and submitted that in fact this a case of honor killing for the reasons that the deceased was in love affairs with the daughter of the appellant. This fact also get support from Complaint Case No. 1513 of 2021. It has further been submitted that the present case is based upon circumstantial evidence, where tempo of the deceased, was seized from the front of house of the appellant. It has further been submitted that the complaint case was lodged after lodging the FIR in the present case, which shows the intention of the appellant as only to mitigate the present allegation.

10. In view of the facts and circumstances as



mentioned above, as there is strong incriminating circumstances against the appellant, as tempo of deceased recovered from the front of the house of the appellant, I am not inclined to grant privilege of bail. Accordingly, the prayer of bail of the appellant is rejected, herewith, with liberty to the appellant to renew his prayer for bail after 06 (six) months, if the trial is not concluded, within the stipulated period of time.

11. Accordingly, the prayer of bail of the appellants is rejected herewith.

12. Hence, appeal stands dismissed.

13. Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within six months.

14. Superintendent of Police, Saran, is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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