

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4515 of 2021**

Arising Out of PS. Case No.-72 Year-2021 Thana- FORBESGANJ District- Araria

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MURSHID ANSARI @ MD. MURARID S/o Abdul Ansari Resident of
Village- Haripur, Ward No.08, P.S.- Forbesganj, District- Araria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Vidyanand Rishideo Late Jiyan Rishideo R/V Haripur , ward no 8 , P.S.-
Forbesganj, Dist- Araria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 5 21-07-2022 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 31.08.2021 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, Araria in connection with
Forbesganj P.S. Case No. 72 of 2021 registered under Sections
302 and 34 of Indian Penal Code and Section 3(2)(r) 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 11.08.2021.
6. The allegation against the appellant is to commit murder of brother of the informant, while taking ration from P.D.S., along with other co-accused persons.
7. Learned counsel for the appellant submitted that from perusal of FIR, it appears that it is not a case of Section 302 of IPC. It has further been submitted that charge-sheet has been submitted under Section 304 of the IPC, where appellant is a man of clean antecedent. It has also been submitted that allegation as regard to the assault is very much general and omnibus. It is further submitted that act of the petitioner is not suggestive, as regard to 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 Ramesh



Kumar Singh, vehemently opposed the bail and submitted that almost, trial of this case has been completed and out of 08 charge-sheeted witnesses, 07 has already been examined.

10. In view of the facts and circumstances as mentioned above, as out of 08 charge-sheeted witnesses, 07 has already been examined by the trial court, this Court is not inclined to grant privilege of bail.

11. Accordingly, the prayer of bail of the appellants is rejected herewith, with liberty to the appellant to renew his prayer for bail after one (01) month, if the trial is not concluded, within the stipulated period of time.

12. Hence, appeal stands dismissed.

13. Trial Court is directed to conclude the trial within one month by taking all steps, in accordance with law, to examine remaining one charge-sheeted witness.

14. Superintendent of Police, Araria, is directed to produce the only remaining charge-sheeted witness, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as aforesaid.

(Chandra Shekhar Jha, J)

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