

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4508 of 2021**

Arising Out of PS. Case No.-903 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Vikash Kumar S/o Birendra Rai Resident of Village- Bara Jagarnath, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Ram RamSwaroop Ram R/o-Bada Jagarnath,P.S-Ahiyapur, District-
Muzaffarpur

..... Respondent/s

Appearance :

For the Appellant/s : Mr. Raju Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

- 4 07-07-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for
respondent no.2/informant.
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 25.09.2021 passed by
the learned A.S.J.-III-cum-Special Judge, SC/ST (POA)
Act, Muzaffarpur in connection with Ahiyapur P.S. Case
No. 903 of 2019 registered under Sections 326, 302 and
120(B) of Indian Penal Code, Sections 3(1)(r)(s)(w)(x)
(Va) of the Schedule Caste and Schedule Tribe (POA)



Act.

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 FIR and is in custody since 08.08.2019.
6. The allegation against the appellant is to murder of son of the informant, equipped with knife, etc and the informant is eye-witness of the occurrence.
7. Learned counsel for the appellant submitted that the appellant has been implicated in the present case due to local issues of village, who is otherwise, a man of clean antecedent. It has further been submitted that co-accused person, granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 1596 of 2020 dated 11.01.2021. It is submitted by learned counsel that from bare perusal of FIR, nothing appears, which may suggest that it is a case of atrocities, within meaning of the Act. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 duly assisted by learned counsel of the informant/respondent no. 2, Shri Arvind Kumar, while opposing the prayer of bail submitted that informant is the eyewitness of the present occurrence and the allegation as regard to assault with knife is specific against the appellant. It has further been submitted that it is a broad day light murder of 7 years old school going boy, belongs to schedule caste community. It has also been submitted that the dagger/knife used for killing the deceased, was recovered, in furtherance of confessional statement of appellant.
10. In view of the submissions, as made above, as there is specific allegation, as regard to fatal injury, against appellant, where the informant is eye-witness of the occurrence coupled with the fact that weapon of murder recovered, in-pursuance of confessional statement of the



appellant, this Court, at present, is not inclined to grant bail to the appellants.

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, Bhojpur 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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