

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4609 of 2021

Arising Out of PS. Case No.-806 Year-2020 Thana- SONEPUR District- Saran

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Suryamani Kumar, Son of Surendra Prasad Gupta Resident of village -
Pahleza, Shahpur Diyara, P.S.- Sonapur, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Ranvijay Kumar R/o Vill.- Pahleza Shahpur Diyara,
P.O- Sonapur, P.S.- Sonapur, Distt.- Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

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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, 1989
(hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for bail vide order dated 13.08.2021
passed by the learned Additional Sessions Judge, 1st-cum-
Special Judge SC/ST (POA) Act, Saran at Chapra in
connection with Sonapur P.S. Case No.806 of 2020
registered under Sections 147, 148, 149, 341, 323, 324,



307, 337, 338, 379, 506, 504 of Indian Penal Code, Section 27 of the Arms Act and 3(1)(r)(s) of SC/ST 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 F.I.R. and is in custody since 07.07.2021.
6. The allegation against the appellant is to assault the informant and others, equipped with deadly weapons, as country made pistols, etc., with intention to cause death.
7. Learned counsel for the appellant submitted that allegation against the appellant is only to attempt for assault upon uncle of informant, equipped with “*Daab*” (sharp edged weapon) . It has further been submitted that admittedly, no injury received in present occurrence due to alleged assault caused by appellant. It has been submitted that appellant is a man of clean antecedent. It is also submitted by learned counsel that from bare perusal of FIR, it cannot be gathered that it is a case of atrocities, within meaning of the Act. It has further been 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. While concluding the argument, it has been submitted that similarly situated co-accused person has already been granted bail by a learned co-ordinate Bench of this Court through Crl. Appeal (SJ) No. 2012 of 2021 dated 27.07.2021.

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 for the Respondent No.2/Informant, while opposing prayer for bail, fairly conceded the fact that there is no allegation as regard to abuse by caste name, as per F.I.R. Learned counsel for the Respondent No.2/Informant submitted occurrence took place due to misunderstanding over local issues, which has been compromised.
10. In view of the submissions, as made above, as allegation was limited to attempt only, without having



intention to cause death, as per FIR, coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Sonepur P.S. Case No.806 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st-cum-Special Judge SC/ST (POA) Act, Saran at Chapra, subject to the following conditions:

“(i) Appellant shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant, duly supported by the documents.

(ii) That one of the bailors shall be Surendra Prasad Sah, who is the maternal uncle of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 13.08.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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