

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4687 of 2021**

Arising Out of PS. Case No.-174 Year-2020 Thana- BARHARIA District- Siwan

Umesh Parvat @ Umesh Giri Son of Parama Nand Parvat @ Parama Giri  
Resident of Village - Babuhata, P.s.- Barharia, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amit Kumar Son of Satilal Sah Resident of Village - Babuhata, P.S.-  
Barharia, Distt.- Siwan.

... .. Respondent/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Appellant/s      | : | Mr. Rajiv Kumar, Advocate    |
| For the Respondent No.2: | : | Mr. Ajay Kumar Singh No.1    |
| For the State            | : | Ms. Sadanand Paswan, Spl. PP |

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

3      14-07-2022                      1. Heard learned counsel for the appellant, learned  
Special P.P. for the State and learned counsel for Respondent  
no.2, 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 16.09.2021 passed by the learned 1<sup>st</sup> Additional  
District Judge-cum-Special Judge, Siwan in connection with  
Barharia P.S. Case No. 174 of 2020 registered under Sections  
341, 323, 324, 307, 504 and 34 of Indian Penal Code and  
Section 3(i)(r)(s) of the 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. Appellant is named in F.I.R. and is in custody since 29.05.2021.

6. The allegation against the appellant is to abuse the informant by caste name and to assault him, alongwith other co-accused.

7. Learned counsel for the appellant submitted that, though, allegation, as regard to assault, is specific against the petitioner, but same is not repeated without having any intervening circumstances, as such, it cannot be said that petitioner was under intention to cause death of the informant/injured. It is submitted that, from bare perusal of F.I.R, it appears that there is no abuse by caste name, which may attract the atrocities within the meaning of the Act. It is further submitted that the nature of injury is also single, which corroborate the fact that assault was not repeated. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet 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. for the State opposes the prayer of bail of the appellant but fairly conceded that abuse by caste name is not specific, as per F.I.R.

10. Considering the facts and circumstances, as mentioned above, as assault made by the petitioner is not repeated without having any intervening circumstances, negating intention coupled with the fact that petitioner is a man of clean antecedent and chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Barharia P.S. Case No. 174 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 1<sup>st</sup> Additional District Judge-cum-Special Judge, Siwan, 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 Shiv Kumar Giri, who is the cousin of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 16.09.2021 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

Ankit/-

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