

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4705 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- RAMPUR District- Gaya

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Brajesh Dayal @ Brajesh Dayal Singh @ Brajesh Kurmi S/o Bachchu Prasad  
Resident of Bank Colony, P.S.- Rampur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Kumar S/O Vijay Prasad Tanti R/O Mohalla- Gewal Bigha Devi Sthan, P.S.- Rampur, District- Gaya

... .. Respondent/s

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**Appearance :**

|                     |   |                               |
|---------------------|---|-------------------------------|
| For the Appellant/s | : | Mr. Bhaskar Shankar, Advocate |
| For the State       | : | Ms. Usha Kumari 1, Spl. PP    |
| For Respondent No.2 | : | Mr. Sanjay Kumar Sinha        |

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**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 16.11.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 53 of 2021 registered under Sections 307, 386, 323 and 341 of Indian Penal Code, Section 27 of Arms Act and Sections 3(1)(r)(s) and 3 (2V) 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 not named in F.I.R. and is in custody since 18.09.2021.

6. As per prosecution story, co-accused, namely, Shamu Yadav fired upon the informant due to which he received injury.

7. Learned counsel for the appellant submitted that the appellant is not named in the F.I.R. It is submitted that the name of the appellant surfaced on the basis of confessional statement of co-accused, namely, Shamu Yadav. It is submitted that nothing surfaced during the course of investigation, which may suggest atrocities within the meaning of the Act. It is further submitted that co-accused, namely, Shamu Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 3402 of 2021 dated 07.10.2021. While concluding the argument, it is submitted that 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, duly assisted by learned counsel for the Respondent no.2, opposes the prayer of bail of the appellant but fairly conceded that the name of the appellant surfaced on the basis of confessional statement of co-accused.

10. Considering the facts and circumstances, as mentioned above, as the name of the appellant surfaced on the basis of confessional statement of co-accused, leading no incrimination coupled with the fact that chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Rampur P.S. Case No. 53 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, subject to the following conditions:

“(i) That appellant shall not involve in the similar nature of offence till the conclusion of trial, failing which the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellant.

(ii) 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.

(iii) That one of the bailors shall be Sunil Dayal Singh, who is the own brother of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 16.11.2021 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

Ankit/-

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