

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4745 of 2021**

Arising Out of PS. Case No.-197 Year-2021 Thana- AURAI District- Muzaffarpur

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Mohan Sah S/O Ramvilas Sah R/o village- Parari, P.S.- Aurai, Distt.-  
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Office Incharge of Aurai P.S., District- Muzaffarpur

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Uday Prakash Shrarma, Advocate  
For the Respondent/s : Mr. Usha Kumari 1, Spl. PP

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

3      14-07-2022                      1. Heard learned counsel for the appellant and learned  
Special P.P. for the State, 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 17.11.2021 passed by the learned Special Judge,  
SC/ST Act, Muzaffarpur in connection with Aurai P.S. Case No.  
197 of 2021 registered under Sections 147, 148, 149, 341, 323,  
504, 332, 333, 353, 427, 325 and 120(B) of Indian Penal Code  
and Sections 3(i)(r)(s) and 3(r)(2) 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, but failed to appear.

5. Appellant is named in F.I.R. and is in custody since 05.10.2021.

6. The allegation against the appellant is to be a part of the crowd, which misbehaved with the informant/police personnel.

7. Learned counsel for the appellant submitted that the appellant have been falsely implicated in this case being father of one, Suraj Sah, who was hospitalized on the date of occurrence. It is submitted that Suraj Sah has been brutally assaulted by the informant and just to save his skin, this false case has been lodged. It is further submitted that the allegation, as regard to assault, is very much general and omnibus and even the women of family were made accused in this case. It is submitted that from bare perusal of the F.I.R., it is nowhere appears that the act of the appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant 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 the allegation, as regard to assault, is general and omnibus against the appellant, as per F.I.R.

10. Considering the facts and circumstances, as mentioned above, as allegation, as regard to assault, is very much general and omnibus 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 Aurai P.S. Case No. 197 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 Special Judge, SC/ST Act, Muzaffarpur, 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 Roshan Kumar Sah, who is the son of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 17.11.2021 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

Ankit/-

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