

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3676 of 2022**

Arising Out of PS. Case No.-63 Year-2022 Thana- AKBARPUR District- Nawada

Deepak Kumar @ Deepak Yadav Son of Dinesh Yadav @ Dinesh Prasad
Yadav R/V- Inguna, P.S- Akbarpur, Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Kumar Son of Arun Choudhary R/V- Inguna, P.s- Akbarpur, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shambhu Narayan Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

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

3 01-12-2022 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 15.09.2022 passed by the learned Additional
District Judge-III, Nawada, Exclusive Special Court SC/ST,
(POA) Act in connection with Akbarpur P.S. Case No. 63 of
2022 registered under Sections 341, 323, 307, 294, 504, 506,
and 34 of Indian Penal Code and Section 3(i)(r)(s) of the SC/ST
Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Spl. P.P. has submitted that information has been given to informant/Respondent no.2 in terms of direction vide order dated 16.11.2022, but failed to join the present proceeding.

5. Appellant is named in F.I.R. and is in custody since 05.09.2022.

6. The allegation against the appellant is to assault upon informant and others, along with other co-accused persons, by fight and fists and finally threw him in a well with intention to cause death, due to playing vulgar music on the occasion of Saraswati Puja.

7. Learned counsel for the appellant submitted that the allegation of assault and also to throw informant in a well is very much general and omnibus without specifying the name of this appellant. It is submitted that injury received, during the course of occurrence, by the informant is simple in nature, not suggesting that the assault was made with intention to cause death. It is further submitted that nothing surfaced from bare perusal of the F.I.R., which may suggest, on its face, that the act of appellant attract atrocities within the meaning of the Act. It is



also submitted that similarly situated co-accused persons have already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 2155 of 2022 vide order dated 22.09.2022.

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.

10. In view of the facts and circumstances, as mentioned above, as allegation of assault against this appellant is very much general and omnibus, in the background of simple injury, let the appellant, above named, is directed to be released on bail in connection with Akbarpur P.S. Case No. 63 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IIIrd, Nawada, Exclusive Special Court Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 15.09.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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