

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4954 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- BARGAINIA District- Sitamarhi

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SATYENDRA RAI @ SATENDRA RAY Son of Bahadur Rai Resident of
Village- Bhaluahiya (Bhalohiya), P.s.- Majorganj, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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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 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 un-
der Section 14A(2) of the Scheduled Castes and Sched-
uled Tribes (Prevention of Atrocities) Act, 1989 (here-
inafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 30.10.2021 passed by
the learned 1st Additional Sessions Judge-cum-Special
Judge, SC/ST(POA) Act, Sitamarhi in connection with
Bairgania P.S. Case No. 5 of 2020 registered under Sec-
tions 302, 201 and 34 of Indian Penal Code and Section
3(2)(v) 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 16.08.2021.
6. The allegation against the appellant is to commit murder of son of the informant.
7. Learned counsel for the appellant submitted that informant is not the eye-witness of the present occurrence and the entire allegation is on the basis of suspicion for the reason that the daughter of appellant married with deceased, who belongs to scheduled caste community. It has further been submitted that charge-sheet has been submitted in the present case under Section 306 of the Indian Penal Code. It has further been submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the Act. It has further been submitted that appellant is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submit-



ted in this case, 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/Informant, while opposing prayer for bail, fairly conceded the fact that the informant is not the eye-witness of the present occurrence, as per FIR.
10. In view of the submissions, as made above, as the informant is not the eye-witness of the present occurrence, where allegation is based upon mere suspicions coupled with the fact that the charge-sheet has been submitted under Section 306 of the Indian Penal Code against the appellant, who is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Bairgania P.S. Case No. 5 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 1st Additional Sessions Judge-
cum-Special Judge, SC/ST(POA) Act, Sitamarhi, 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 ex-
emption 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 Pappu
Kumar, who is the son of the appellant and deponent of
the present appeal.”*

11. Accordingly, impugned order dated 30.10.2021 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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