

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.12 of 2022**

Arising Out of PS. Case No.-804 Year-2018 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

Sanjay Ray @ Sanjay Rai S/o Shankar Ray Resident of Village - Chainpur  
Bakhri, P.S. Ahiyapur, District Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Devendra Kumar Ram Son of Mahendra Ram Resident of village-  
Chakhashan, P.S.- Ahiyapur Dist-Muzaffarpur

... .. Respondent/s

**Appearance :**

|                     |   |                            |
|---------------------|---|----------------------------|
| For the Appellant/s | : | Mr. Nitu Kumari, Advocate  |
| For the State       | : | Mr. Usha Kumari I, Spl. PP |
| For the Informant   | : | Mr. Ravi Nandan, Advocate  |

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

4      12-10-2022                      1. Heard learned counsel for the appellant, learned  
Special P.P. for the State and learned counsel for the informant,  
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 28.10.2021 passed by the learned Additional  
Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act,  
Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case  
No. 804 of 2018 registered under Sections 302, 201 and 34 of  
Indian Penal Code and Section 3(i)(2)(V) 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 the respondent no.2, served upon and duly represented.

5. Appellant is named in F.I.R. and is in custody since 12.10.2021.

6. The allegation against the appellant is to commit murder of brother of the informant, alongwith other co-accused persons for land standing land dispute.

7. Learned counsel for the appellant submitted that informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion. It is submitted that the nature of allegation against this appellant is very much general and omnibus. It is submitted that allegation to call the deceased from home is specific against co-accused, namely, Ajay Rai. It is further submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 995 of 2019 dated 03.04.2019. It is submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of 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 already 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 informant, while opposing the prayer of bail, fairly conceded the fact that appellant actively participated in the present occurrence.

10. In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion coupled with the fact that nothing surfaced during the course of investigation, which may connect the appellant, *prima facie*, with the present set of occurrence, let the appellant, above named, is directed to be released on bail in connection with Muzaffarpur Sadar P.S. Case No. 804 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-III-cum-Special Judge-SC/ST (POA) Act,  
Muzaffarpur/concerned Court, subject to the conditions as laid  
down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 28.10.2021 is  
set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

Ankit/-

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