

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4953 of 2021

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

Jitendra Paswan @ Baua S/o Basudeo Paswan R/o Village- Arfabad Naharpar,
P.S.- Alamganj, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi W/o Jaggu Choudhary R/o Village- Gurki Mandi, P.S.-
Alamganj, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kritu Verma, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 25-08-2022 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, 1989
(hereinafter referred to as the “SC/ST Act”) against the
refusal of prayer for bail vide order dated 08.12.2021
passed by the learned Additional Sessions Judge-III-cum-
Special Judge, SC/ST(POA) Act, Patna in connection
with Alamganj P.S. Case No. 534 of 2021 registered
under Sections 302, 120(B) and 34 of the Indian Penal



Code, Section 27 of the Arms Act and Section 3(2)(v)a 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. The appellant is named in F.I.R. and is in custody since 21.08.2021.
6. The allegation against the appellant is to murder the husband of the informant, alongwith other co-accused persons, for previous enmity.
7. Learned counsel for the appellant submitted that allegation of firing, causing death of the husband of the informant is against co-accused, namely, Naga @ Sonu and Balia. It is also submitted that no overt act against this appellant is found towards commission of the alleged offence. It is also submitted that the face of the FIR is not suggesting that act of appellant can be said to be of such nature so as to attract atrocities within the meaning of the Act. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted 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, fairly conceded the fact that the specific allegation of firing is against co-accused persons, not against this appellant.
10. In view of the submissions, as made above, as specific allegation of firing, causing death of the husband of the informant is against co-accused, where allegation against this appellant is very much general and omnibus coupled with the fact that the charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Alamganj P.S. Case No. 534 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST(POA) Act, Patna/concerned Court, subject to the



conditions as laid down u/s 437 (3) of the Cr.P.C.

11. Accordingly, impugned order dated 08.12.2021 is
set aside.

12. Hence, the present appeal is allowed.

(Chandra Shekhar Jha, J)

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