

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.55 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- KHARIK District- Bhagalpur

Gore Lal Yadav Son of - Late Viladhan Yadav Resident of Village -
Jamaldipur, P.S. - Kharik, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Khantra Devi Upendra Paswan Resident of Village-Jamaldipur, P.S.-Kharik,
District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Yadav, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 21-09-2022 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 27.11.2021 passed by the learned 3rd Additional
Sessions Judge-cum-SPL, Judge (SC/ST), Bhagalpur in
connection with Kharik P.S. Case No. 209 of 2020 registered
under Sections 341, 323, 307, 448 and 34 of Indian Penal Code,



Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3(2)(va) of the Act.

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

4. It appears from office note that notice has been received through registered cover. Learned Spl. P.P. also submitted that required information has already been given to the informant through local SHO, regarding hearing of present appeal, despite of information, none appears on behalf of the informant.

5. The accused/appellant is named in the F.I.R. and is in custody since 24.11.2021.

6. The allegation against the appellant is to open fire upon the son of the informant, alongwith other co-accused persons, with intention to cause death.

7. Learned counsel appearing on behalf of the appellant submitted that the allegation of firing is very much general and omnibus against this appellant, where implication is completely false, based upon previous enmities. It is submitted that parties are under litigating terms. It is further 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 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 Spl. P.P. appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that allegation of firing is very much general and omnibus against this appellant.

10. In view of the facts and circumstances, as mentioned above, as allegation of firing is very much general and omnibus against this appellant 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 Kharik P.S. Case No. 209 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 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Court,



Bhagalpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 27.11.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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