

Arising Out of PS. Case No.-461 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

... .. Appellant/s

Versus

... .. Respondent/s

For the Appellant/s	:	Mr. Anshu Dhar Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Ajay Kumar Sinha, Advocate.

2 14-12-2022 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 21.11.2022 passed by the learned Exclusive Special Judge (SC/ST), Begusarai in connection with Begusarai Muffasil P.S. Case No. 461 of 2021 registered under Sections 341, 307 and 34 of the Indian Penal Code, under Section 3(2) (r) (s) of the SC/ST Act and under Section 27 of the Arms Act.

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



4. Notice has been issued to informant, served upon and duly represented.

5. Appellant is named in F.I.R. and is in custody since 09.11.2022.

6. The allegation against the appellant is to cause fire arm injuries to the informant and others, alongwith other co-accused persons, having intention to cause their death due to previous enmities.

7. Learned counsel for the appellant submitted that allegation of firing is specifically available against co-accused, namely, Vikash Sahni and Dharmvir Thakur, not against this appellant, where allegation is limited against this appellant is to hit informant by motorcycle. It is further submitted that matter has been compromised between the parties. It is submitted that from the face of F.I.R. nothing can be gathered, which may suggest that act of appellant can be said an atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, 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 appearing on behalf of informant, while opposing the prayer of bail, fairly conceded that allegation of firing is not available against this appellant

10. In view of the facts and circumstances, as mentioned above, as allegation of firing is available against co-accused persons, not against this appellant coupled with the fact that charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Begusarai Muffasil P.S. Case No. 461 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 Exclusive Special Judge, SC/ST (POA), Begusarai/concerned Court, subject to the following conditions:

“(i) That the accused/appellant shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellant.



(ii) Accused/Petitioner 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 exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

11. Accordingly, impugned order dated 21.11.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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