

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.520 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- DIGHA District- Patna

Ranjeet Rai S/O Jaynath Rai Resident of village- Ramji Chak, School Road,
P.S.- Digha, and District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Rajak S/O Suresh Rajak Resident of village- Ramji Chak,
P.S.- Digha, and District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jay Ram Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-06-2023 11. 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 17.11.2022 passed by the learned Special Judge
SC/ST Act, Patna in connection with Digha P.S. Case No. 424 of
2022 registered under Sections 341, 447, 506, 504, 385 and 387
of the Indian Penal Code and Section 3(i) (r) (s) of the SC/ST
(POA) 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. Appellant is named in F.I.R. and is in custody since 06.07.2022.

6. The allegation against the appellant is to raised a demand for ransom of Rs. 10,00,000/- (Rupees Ten Lac only) from the father of informant against on-going construction.

7. Learned counsel for the appellant submitted that the father of informant is the real victim of this case to whom the demand of ransom was raised but the F.I.R. was lodged by the son creating a doubt over entire occurrence. It is submitted that not any transactions made in furtherance of said demand. It is submitted that out of local disputes and differences the present false implication was raised. It is also submitted that the act of appellant is not of such nature, which may be said to be an atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant found involved in two more criminal cases where he is on bail and moreover, 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 the informant, while opposing the prayer of bail submitted that the appellant is a veteran criminal of the locality and usually involved in such similar criminal activities.

10. In view of the facts and circumstances, as mentioned above, as the demand of ransom was not raised to informant directly where in furtherance of no any payment was made coupled with the fact that charge-sheet has already been submitted, where appellant is in custody since 06.07.2022, accordingly, the appellant, above named, is directed to be released on bail in connection with Digha P.S. Case No. 424 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 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. with further conditions:

“(i) That the appellant shall



not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the appellant.

(ii) That the appellant shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the appellant duly supported by the documents.”

11. Accordingly, impugned order dated 17.11.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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