

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.881 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Govardhan Yadav @ Govardhan Singh Yadav S/O Girija Yadav @ Girja Singh Yadav R/V- Dhankada, P.S.- Sasaram (M), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratibha Devi S/O Vakil Ram R/V- Dhankada, P.S.- Sasaram (M), District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shankar Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-07-2023 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 12.01.2023 passed by the learned Additional District and Sessions Judge-XVII-cum-Special Judge, SC/ST, Rohtas at Sasaram, District- Patna in connection with Sasaram (M) P.S. Case No.155 of 2022 registered under Sections 147, 148, 149, 302, 323, 504, 506 and 120B of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(v) of the Act.



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

4. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 16.05.2023 about the present Court proceedings, where informant is duly represented.

5. Appellant is named in F.I.R. and is in custody since 12.01.2023.

6. The allegation against the appellant is to commit murder of the son of the informant, alongwith other 28-29 co-accused persons, due to previous enmities.

7. Learned counsel for the appellant submitted that allegation, as regard to fatal assault, is available against co-accused persons, namely, Anil Singh Yadav and Harendra Singh Yadav, whereas the allegation against this petitioner is very much general and omnibus, as same is appearing from the face of F.I.R. itself. It is further pointed out that injuries available, through post mortem of deceased, is not appearing in corroboration with the allegation, as deceased was alleged to be assaulted by 28-29 persons. It is further submitted that similarly situated co-accused, namely Lavkush Yadav, has already been granted bail by one of the learned Co-ordinate bench of this



Court through Criminal Appeal (SJ) No. 2764 of 2022 vide order dated 07.12.2022. It is also submitted that nothing surfaced from the 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 Special P.P. duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that this is a case of collective assault.

10. In view of the facts and circumstances, as mentioned above, as allegation of fatal assault is not available against this petitioner, as same is appearing very much general and omnibus coupled with the fact, that chargesheet has already submitted, where appellant is in custody since 12.01.2023, accordingly the appellant, above named, is directed to be



released on bail in connection with Sasaram (M) P.S. Case No.155 of 2022 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 District and Sessions Judge-XVII-cum-Special Judge SC/ST Act, Rohtas, Sasaram/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 12.01.2023 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

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