

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.983 of 2023**

Arising Out of PS. Case No.-424 Year-2022 Thana- CHAKAND District- Gaya

Praduman Yadav @ Praduman Kumar Son Of Kanhayee Yadav @ Umesh
Yadav R/V- Meharwan Pur, P.S- Chakand, Dist- Gaya Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Singh, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. PP

For the Informant : Ms.Sonam Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 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 25.01.2023 passed by the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Chakand P.S. Case No.424 of 2022 registered under Sections 341, 342, 343, 379, 385, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) 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 23.06.2023 about the present Court proceedings, where informant is duly represented.

5. Appellant is named in F.I.R. and is in custody since 07.12.2022.

6. The allegation against the appellant is to threaten the informant alongwith other co-accused persons to withdraw the previous pending case and also to snatch bag having cash of Rs. 5,000/- from the informant during the course of occurrence.

7. Learned counsel for the appellant submitted that allegation is appearing very much general and omnibus, where implication appears false out of pending litigation. It is further submitted that allegation to take away cash of Rs. 5,000/- from the bag of informant is only to aggravate the allegation against the appellant. It is also submitted that nothing surfaced during the course of investigation and 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 there is specific allegation against the appellant as to take away cash of Rs. 5,000/- from the bag.

10. In view of the facts and circumstances, as mentioned above and by taking note of the fact as implication of appellant appears out of previous enmities coupled with the fact, that chargesheet has already submitted, where appellant is in custody since 07.12.2022, accordingly the appellant, above named, is directed to be released on bail in connection with Chakand P.S. Case No.424 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 Exclusive Special Judge SC/ST Act, Gaya/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 25.01.2023 is
set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

