

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.978 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- RANIYATALAB District- Patna

Shashi Yadav S/O Lala Yadav Resident Of Village- Patut, P.S.- Ranitalab,
District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Narayan Mochi S/O Late Ruplal Mochi Resident Of Village- Patut,
P.S.- Ranitalab, District- Patna.

... .. 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 Special Judge, SC/ST Act, Patna in connection with Ranitalab P.S. Case No.161 of 2022 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(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 04.04.2023 about the present Court proceedings, where informant failed to join the proceedings.

5. Appellant is named in F.I.R. and is in custody since 05.11.2022.

6. The allegation against the appellant is to assault informant by means of butt of pistol causing bodily injuries and also to abuse by caste name.

7. Learned counsel for the appellant submitted that offences as alleged under Indian Penal Code are bailable in nature and appellant is in custody only by virtue of allegation as raised through Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'). It is submitted that as per narration of F.I.R. it can be safely gathered that abuse as alleged by caste name was not in public view and as such application under SC/ST Act does not appear applicable in the present case. It is also submitted that occurrence is of free fight in nature for, which a separate counter case was lodged by appellant's side, which has been registered as Ranitalab P.S. Case No. 162 of 2022. It is further submitted that



informant/injured was not medically examined, which creates doubt over the entire allegation as raised through present F.I.R. While concluding the argument, it is submitted that appellant found involved in one more case, where he is on bail and moreover, 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. appearing on behalf of State, opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above and by taking note of fact as appellant was not examined medically in support of allegations as raised through present F.I.R., where abusing by caste name not appears, *prima facie*, in public view coupled with the fact, that chargesheet has already submitted, where appellant is in custody since 05.11.2022, accordingly the appellant, above named, is directed to be released on bail in connection with Ranitalab P.S. Case



No.161 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 Special Judge, SC/ST Act, Patna/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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