

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1645 of 2023

Arising Out of PS. Case No.-746 Year-2022 Thana- RAMPUR District- Gaya

Rahul Kumar S/O Late Manoj Singh Resident of Village- Gewal Bigha, P.S.- Rampur, District- Gaya.

... .. Appellant/S

Versus

1. The State of Bihar
2. Yogendra Kumar S/O Ram Prasad Manjhi Resident of Village- Gewal Bigha, P.S.- Rampur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar No2, Advocate
	:	Mr. Avinash Kumar Singh, Advocate
For the Respondent/s	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2023 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 28.01.2023 passed by the learned Court Exclusive Special Judge, SC/ST Act, Gaya in connection with Rampur P.S. Case No. 746 of 2022 registered under Sections 341, 323, 354, 427, 504, 506 and 34 of the Indian Penal Code, Section 79 of the Juvenile Justice Act-2015, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 37(ii) of the Bihar Prohibition and Excise (Amendment) Act.



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

4. Notice served upon and informant joined the proceeding through his learned counsel Mr. Arvind Kumar Singh.

5. Appellant is named in F.I.R. and is in custody since 07.01.2023.

6. The allegation against the appellant is to abuse the family members of informant alongwith other co-accused persons, while they were in drunken condition.

7. Learned counsel for the appellant submitted that the implication of appellant is out of local dispute and differences, where allegation of outraging is appearing very much general and omnibus. It is submitted that as some altercations took place for the reason as appellant alleged to be in drunken condition, the present false implication was raised. It is submitted that nothing surfaced during the course of investigation which may suggest that the act of appellant can be said atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant found involved in four more criminal cases, where in maximum of the cases he is on bail and moreover, investigation of this case has been completed, for which charge-sheet 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 for the informant, while opposing the prayer of bail submitted that the appellant actively participated in the occurrence.

10. In view of the facts and circumstances, and by taking note of the nature of allegation, which is appearing very much general and omnibus coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 07.01.2023, let the appellant, above named, is directed to be released on bail in connection with Rampur P.S. Case No. 746 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 Court, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 28.01.2023 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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