

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1832 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- KAUWAKOL District- Nawada

RAJENDRA MANDAL@ RAJENDRA PRASAD S/O- KASHI MANDAL
R/o- Kharsari, P.s.-Kauakol, distt.-Nawada

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SARITA DEVI W/O- SHANKAR MANJHI R/o- Kharsari, P.s.-Kauakol,
Distt.-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Nayan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2023 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, 1989 (hereinafter referred to as “the Act”) against the refusal of prayer for bail vide order dated 14.02.2023 passed by the learned Exclusive Special Court, SC/ST, Nawada in connection with Kauakol P.S. Case No. 580 of 2022 registered under Sections 341, 323, 307, 354, 379 and 504/34 of Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act.



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

4. Learned Special P.P. submitted that information in terms of order dated 23.06.2023 was given to informant, but informant failed to appear in the present proceeding.

5. The appellant is named in F.I.R. and is in custody since 13.01.2023.

6. The allegation against the appellant is to assault informant and others, along with other co-accused persons/family members, causing head and bodily injury, by means of *Khanti*, having intention to cause their death, where, occurrence is arises out of taking water from public pump.

7. Learned counsel for the appellant submitted that narration of FIR, suggest external injury as stated by informant, but upon medical examination no external injury was noticed, rather it was found bodily and head pain, where, after CT scan, doctor found only one injury that too is only swelling of soft tissue, where, surprisingly nature of injury was shown “grievous”. It is submitted that from the face of FIR and even during course of investigation, nothing incriminating surfaced against this appellant, which may suggest the act of appellant can be said an atrocities within the meaning of the Act. While



concluding the argument, it is submitted that appellant is a man of clean antecedent and moreover, investigation is completed, for which, charge-sheet has already 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. for the State, opposes the prayer for bail.

10. In view of the submissions, as made above and by taking note of the fact as the injury report of injured creating doubt over the narration of informant, as raised through present FIR coupled with the fact that the charge-sheet has already submitted, where, appellant is in custody since 13.01.2023, let the appellant, above named, is directed to be released on bail in connection with Kauakol P.S. Case No. 580 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 Court, SC/ST, Nawada/concerned court, subject to the condition as mentioned under Section



437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 14.02.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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