

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1932 of 2023**

Arising Out of PS. Case No.-20 Year-2023 Thana- KALUAHI District- Madhubani

SHRAVAN KUMAR YADAV Son of Rajgir Yadav R/V- Radh, PS- Kaluahi,
Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Dahur Ram Son of Achchhe Ram R/V- Radh, PS- Kaluahi, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, 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 24.03.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani in connection with Kaluahi P.S. Case No.20 of 2023 registered under Sections 302, 120B and 354B of Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s), 2(i)W(ii) and 3(2)(va) 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 13.02.2023.

6. The allegation against the appellant is to commit murder of son and daughter-in-law of informant, along with other co-accused persons/family members, by causing firearm injury, where, occurrence is arises out of previous enmities. Allegation in caste name is also available against co-accused including this appellant, as per FIR.

7. Learned counsel for the appellant submitted that appellant was not present at place of occurrence and as such there is no question to commit murder of son and daughter-in-law of informant, as at the time occurrence, he was present at his house, 2 K.M. away, from the place of occurrence. It is submitted that present false implication is out of local political differences, as elder brother of this appellant declared elected in local *Panchayat* election, where, relative of the informant also one of the contesting candidate, defeated in said election. It is submitted that from bare perusal of FIR, it appears that there is no specific allegation against this appellant, which attracts atrocities within the meaning of the Act. While concluding the argument, it is submitted that



petitioner found involved in 02 more criminal cases, where, he is on bail 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, while opposing prayer for bail, submitted that there is specific allegation against this appellant to cause firearm injury along with other co-accused persons, causing death of son and daughter-in-law of the informant. It is submitted that the present murder was committed in broad daylight, where, face of FIR itself suggesting atrocities within the meaning of act, which is one of the main reason for present occurrence. It is submitted that there is no reason to disbelieve the version of informant as an eye-witness, where allegation is specific against this appellant, as per narration of FIR itself. It is submitted that postmortem report appears in corroboration with the version of informant, as stated through present FIR, as the death of his son and daughter-in-law was alleged to caused by firearm injury.



10. In view of the submissions, as made above and by taking note of the fact that informant is eye-witness of the occurrence, where specific allegation, as regard to cause fatal firearm injury, is available against this appellant, this Court, is not inclined to grant bail to the appellant.

11. Accordingly, the prayer of bail of the appellant is rejected herewith.

12. Hence, appeal stands dismissed.

13. Learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial must be concluded within time as specified under Section 14(3) of SC & ST (POA) Act, 1989.

14. Superintendent of Police, Madhubani is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within aforesaid statutory period.

(Chandra Shekhar Jha, J)

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