

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2033 of 2023

Arising Out of PS. Case No.-256 Year-2022 Thana- MADANPUR District- Aurangabad

PYARE LAL CHAUDHARY @ KAIL CHAUDHARY @ RAM PYARE
LAL CHAUDHARY S/o Late Mantu Chaudhary Resident of Khiriyawan,
P.S.-Madanpur, District-Aurangabad

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHARDA DEVI W/o Late Ashok Paswan @ Pappu Paswan Resident of
village-Khiriyawan Thakur Tola, P.S.-Madanpur, District-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, 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 15.03.2023 passed by the learned Special Judge (SC/ST)-
cum-1st Additional District and Sessions Judge, Aurangabad in
connection with Madanpur P.S. Case No.256 of 2022 registered
under Sections 272, 273, 304 and 120B of Indian Penal Code
and Section 3(1)(a) and 3(2)(v) 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 not named in F.I.R. and is in custody since 03.03.2022.

6. The allegation against the appellant is to cause death of husband of the informant, by supplying spurious liquor along with other named co-accused persons.

7. Learned counsel for the appellant submitted that appellant is not named in the FIR, his name surfaced, during course of investigation, on the basis of confessional statement of co-accused person, namely, Umesh Chaudhary, where, in furtherance thereof, no incriminating material surfaced/recovered, as to connect this appellant, *prima facie*, with present occurrence. It is submitted that similarly situated co-accused person, namely, Sonu Kumar has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Appeal (SJ) No.3241 dated 22.12.2022. It is submitted that from bare perusal of FIR, it appears that act of appellant is not of such nature, which may attracts atrocities



within the meaning of the Act. While concluding the argument, it is submitted that 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 petitioner was actively participated in illegal activities of selling spurious liquor, causing death of husband of the informant.

10. In view of the submissions, as made above and by taking note of the fact as save and except suspicion, nothing surfaced against this appellant, during course of investigation, as to connect him, *prima facie*, with present occurrence coupled with the fact that the charge-sheet has already submitted, where, appellant is in custody since 03.03.2022, let the appellant, above named, is directed to be released on bail in connection with Mandanpur P.S. Case No.265 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)-cum-1st Additional Sessions Judge, Aurangabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 15.03.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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