

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2100 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- DHANARUA District- Patna

Bishwajeet Kumar @ Guddu Yogendra Prasad @ Yogi Yadav Resident Of
Village Chhotki Dhamaul Ps Dhanarua, Dist Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanhaiya Kumar Son Of Vimleshwar Paswan Resident Of Village-
Vijaypura, Ps- Dhanaura, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Paras Nath, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
For the Informant	:	Ms.Rashmi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 18.03.2023 passed by the learned Special Judge, SC/ST, Patna in connection with Dhanarua P.S. Case No. 346 of 2022 registered under Sections 341, 323, 427, 379, 504 and 506/34 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 23.06.2023 about the present Court proceedings, where informant is duly represented.

5. Appellant is named in F.I.R. and is in custody since 20.02.2023.

6. The allegation against the appellant is to assault informant alongwith other co-accused persons and also to take away goods total value of Rs. 40,000-50,000 and taken away golden chain during the course of occurrence with further allegation as to abuse informant by cast name.

7. Learned counsel for the appellant submitted that allegation is appearing very much general and omnibus, where occurrence arises out of local political disputes and differences as appellant contested for local *panchayat* election. It is also submitted that nothing surfaced during the course of investigation and from the bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant is man of clean antecedent 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. duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that allegation as to assault is available against this appellant.

10. In view of the facts and circumstances, as mentioned above and by taking note of the fact as allegation of physical assault is appearing very much general and omnibus coupled with the fact, that chargesheet has already submitted, where appellant is in custody since 20.02.2023, accordingly the appellant, above named, is directed to be released on bail in connection with Dhanarua P.S. Case No. 346 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, Patna/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 18.03.2023 is
set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

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