

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2617 of 2023**

Arising Out of PS. Case No.-471 Year-2022 Thana- BODHGAYA District- Gaya

Devanandan Yadav @ Devnandan Yadav, Son of Bihari Yadav, Resident of
Village-Barma, P.S.- Bodh Gaya O.P. Cherki , Distt- Gaya

... .. Appellant

Versus

1. The State of Bihar
2. Sidheshwar Ravidas, Son of Ramawatar Das, Resident of Village-Jamdri,
P.S.- Cherki, Distt- Gaya.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 21-07-2023 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

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') for setting aside the impugned order dated 02.05.2023 passed by the learned Exclusive Special Judge, SC/ST Court, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No.471 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 337, 338, 379, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(v) of the Act.

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



4. Notice was issued vide order dated 23.06.2023 by this Court regarding present proceedings in terms of Section 15-A(2) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order, duly served upon and represented.

6. Accused/appellant is named in the FIR and is in custody since 23.03.2023.

7. Allegation against the appellant/accused is to commit murder of father of the informant by causing bodily injuries by means of iron rod, bricks plate, etc., where occurrence arises out of land dispute.

8. It is submitted by learned counsel appearing on behalf of the appellant that the allegation of physical assault is appearing very much general and omnibus against this appellant and by taking note of fact, co-accused, namely, Kishori Yadav @ Kishori Kumar Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 12.05.2023 passed in Criminal Appeal (SJ) No.696 of 2023. It is submitted that nothing surfaced during the course of investigation, which may suggest that act of appellant can be said an atrocities within the meaning of Act as to cause present



occurrence. It is further submitted that the informant of this case is not the eye-witness of the occurrence and he arrived at the place of occurrence on alarm raised out of occurrence, as per FIR. Learned counsel also pointed out that entire narration is based upon the hearsay input as information received from the mouth of his deceased-father during the course of his treatment. While concluding argument, it is submitted that appellant is a man of clean antecedent and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. 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]***.

10. Learned Special Public Prosecutor duly assisted by learned counsel for the informant while opposing the prayer for bail of the appellant submitted that bail order of co-accused, Kishori Yadav is not helping the appellant for the reason that allegation against the appellant is specific to cause fatal head injuries which appears in full corroboration with postmortem report, whereas the allegation against co-accused Kishori Yadav



is to assault on other parts of body of the deceased, which was not fatal. It is submitted that allegation to cause fatal head injury is specifically available against this appellant besides allegation of atrocities.

11. In view of above-mentioned facts and circumstances, and by taking note of fact as specific allegation as to cause fatal head injury is available against this appellant, accordingly, the prayer for bail of appellant is rejected herewith.

12. The appeal stands dismissed.

13. The learned Trial Court is directed to conclude the trial within given time period as specified under Section 14(3) of the Act.

14. The Senior Superintendent of Police, Gaya is also directed to produce charge-sheeted witnesses as and when directed by learned Trial Court so that trial must conclude within specified time period as prescribed under Section 14(3) of the Act.

15. The presence of Investigating Officer of this case is dispensed with.

(Chandra Shekhar Jha, J.)

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