

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2642 of 2023

Arising Out of PS. Case No.-85 Year-2015 Thana- KRITYANAND NAGAR District- Purnia

1. Anwarul @ Md Nasir S/O Md. Shekhawat R/O Village- Chak Parora, Ps. K. Nagar, Dist. Purnia
2. Md. Shekhawat @ Sekhawat Khan S/O Ahmad Khan R/O Village- Chak Parora, Ps. K. Nagar, Dist. Purnia

... .. Appellant/s

Versus

1. The State Of Bihar
2. Akali Ram S/O Late Haribol Ram R/O Village- Chak Parora, Ps. K. Nagar, Dist. Purnia

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-07-2023 Heard learned counsel for the appellants and learned Special P.P. for the State, on point of admission and on merit also.

2. The appellants 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 17.04.2023 passed by the learned Special Judge SC/ST Act, Purnia in connection with K. Nagar P.S. Case No.85 of 2015 registered under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code and Section 3(x) 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. Appellants are named in F.I.R. and are in custody since 15.04.2023.

6. The allegation against the appellants is to assault informant and others by means of *lathi*, *dabiya*, rod etc., alongwith other co-accused persons causing bodily injuries, having intention to cause their death, where occurrence arises out of land disputes.

7. Learned counsel for the appellants submitted that implication of both the appellants in the present case appears false on its face, as occurrence arises out of land disputes. It is submitted that no such injury as alleged to be caused by appellant no. 2, namely Md. Shekhawat @ Sekhawat Khan, which is apparent from the injury report, whereas allegation against appellant no. 1, namely Anwarul @ Md. Nasir, is to assault on the non-vital part, which clearly indicates that appellants were not under intention to cause death of



informant/injured. It is also submitted that nothing surfaced during the course of investigation and from the bare perusal of the F.I.R., which may, suggest that the act of appellants attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that both the appellants are men of clean antecedents 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 appellants 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 specific allegation regarding assault is against both these appellants.

10. In view of the facts and circumstances, as mentioned above and by taking note of the nature of allegation, *qua*, physical assault coupled with the fact, that chargesheet has already submitted, where both appellants are in custody since 15.04.2023, accordingly both the appellants, above named, are



directed to be released on bail in connection with K. Nagar P.S. Case No.85 of 2015 each 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 Act, Purnia/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 17.04.2023 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

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