

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2769 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SABAUR District- Bhagalpur

Karnal Kumar Singh @ Karan Singh Son Of Late Raj Kishor Singh R/O-
Rampur Kharhara Ps- Rasalpur Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Ambrish Kumar Jha, Advocate

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 (for short ‘the Act’) against the order dated 17.05.2023 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Bhagalpur in in connection with Sabour (Goradih) P.S. Case No.35 of 2023 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(V) of the SC/ST 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 about the present Court proceedings, where informant is duly represented.

5. Appellant is not named in F.I.R. and is in custody since 27.01.2023.

6. The allegation against the appellant is to commit murder of the husband of informant, alongwith other named co-accused persons, by causing firearm injuries due to previous enmities.

7. Learned counsel for the appellant submitted that appellant is not named in the F.I.R. and his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely Rupesh Kumar, in furtherance of which, no incriminating material recovered/surfaced to connect this appellant with the present occurrence of murder. 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 may be said an atrocities within the meaning of the Act. While concluding the argument, it is submitted that 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 appellant actively participated in the occurrence.

10. In view of the facts and circumstances, as mentioned above, and by taking note of the fact as save and except suspicion and confessional statement of co-accused, namely Rupesh Kumar, no incriminating surfaced as to connect this appellant, *prima facie*, with the present occurrence of murder coupled with the fact, that chargesheet has already submitted, where appellant is in custody since 27.01.2023, accordingly the appellant, above named, is directed to be released on bail in connection with Sabour (Goradih) P.S. Case No.35 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-



Special Judge, (SC/ST Act), Bhagalpur/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 17.05.2023 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

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