

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2816 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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PRAMOD YADAV S/o- GAJENDRA YADAV Village- Karoti Ward No-13,
Ps- Udakishunganj Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumari Devi wife of Khelan Rishidev Village- Sherampur Chaman
Dahra Mushrhi Ward no-16, Ps- Udakishunganj Dist- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 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 11.05.2023 passed by the learned Additional Sessions

Judge-1st-cum-Ld. Special Judge, SC/ST Act, Madhepura in

connection with Udakishunganj P.S. Case No.392 of 2022

registered under Sections 147, 148, 149, 341, 323, 307 and 386

of Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) 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 07.07.2023 was given to informant, but informant failed to appear in the present proceeding.

5. The appellant is named in F.I.R. and is in custody since 16.12.2022.

6. The allegation against the appellant is to assault informant and others, on harvesting issues of paddy, along with other co-accused persons/family members, where, one of the reason was local election dispute also.

7. Learned counsel for the appellant submitted that from bare perusal of FIR, it can be said safely that implication of the appellant is outrightly out of previous enmities, arises due to local election disputes. It is submitted that nothing narrated in FIR, which on its face, suggests that alleged assault was caused with intention to cause death of informant and others. It is also pointed out by learned counsel that during alleged occurrence, informant and others were, not received any injury. It is submitted that nature of allegation qua physical assault is very much general and omnibus against this appellant. It is submitted



that from the face of FIR and even during course of investigation, nothing such incriminating surfaced against this appellant, which may suggest that act of appellant can be said an atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant found involved in 02 more criminal cases, where, he is on bail and moreover investigation of this case 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 appellant actively participated during occurrence, causing assault to informant and others.

10. In view of the submissions, as made above and by taking note of the fact as allegation regarding physical assault is very much general and omnibus against this appellant, where, nothing can be gathered from face of FIR as assault was made with intention to cause death of informant and others, where, no



physical injury was noticed coupled with the fact that the charge-sheet has already submitted, where, appellant is in custody since 16.12.2022, who is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Udakishunganj P.S. Case No. 392 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 Additional Sessions Judge-1st-cum-Ld. Special Judge, SC/ST Act, Madhepura/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 11.05.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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