

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2976 of 2023

Arising Out of PS. Case No.-288 Year-2023 Thana- MADHEPURA District- Madhepura

Kunal Saroj, Son of Bhushan Kumar Saroj, Resident of Ward No.- 05,
Maruwaha, Manikpur, P.S.- Madhepura, District - Madhepura.

... .. Appellant

Versus

1. The State of Bihar
2. Surendra Kumar, Son of Kesho Chaudhary, Resident of Village - Kadirganj,
P.S.- Kadirganj, District - Nawada.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 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 17.06.2023 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Madhepura in connection with B.P. No.780 of 2023 arising out of Madhepura P.S. Case No.288 of 2023 registered for the offences punishable under Sections 307, 353, 379, 448, 341, 323, 333, 427, 504, 506 read with 34 of the Indian Penal Code and Sections 3(1)(r)(s) & 3(2)(va) 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 14.07.2023 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 but, he failed to join the present court proceedings.

6. Accused/appellant is named in the FIR and is in custody since 14.05.2023.

7. Allegation against the appellant is to assault informant and others by means of fist and slaps and also to deter informant, who is an Executive Engineer to discharge his official duty. It is further alleged that the golden chain of informant was also snatched during the course of occurrence. The assault as alleged was made with intention to cause death.

8. It is submitted by learned counsel that implication of this appellant is false with this case for the reason that he was in certain disputes regarding payment of bill with informant of this case. It is submitted that assault as alleged was on non-vital part of body and caused simple injuries, sufficient to suggest that appellant was not under intention to cause death of the



informant. 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. 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 opposes the prayer for bail of the appellant.

11. In view of above-mentioned facts and circumstances and by taking note of fact as nature of injury appears simple and that too on the non-vital part of body, negating intention of appellant as to cause death *prima facie*, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 14.05.2023, accordingly, the appellant, above-named, is directed to be released on bail



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, Madhepura in connection with B.P. No. 780 of 2023 arising out of Madhepura P.S. Case No. 288 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

12. Accordingly, the impugned order dated 17.06.2023 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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