

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3330 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- KOILWAR District- Bhojpur

PILI YADAV @ PRAMOD RAY Son of Ram Nath Ray @ Loha Yadav R/V-
Koilwar, Ward No. 10, P.S- Koilwar, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Ram Son of Late Manik Chandra Ram R/V- Suraudha Colony,
P.S- Koilwar, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-05-2023 1. Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for the
informant, 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 27.06.2022 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST, Bhojpur at Ara in
connection with Koilwar P.S. Case No. 28 of 2022 registered
under Sections 302 and 34 of Indian Penal Code and Section 3
(2)(V) of the Scheduled Castes and Scheduled Tribes Act.

3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2/informant, served upon but failed to join the proceedings.

5. Appellant is named in F.I.R. and is in custody since 22.03.2022.

6. The allegation against the appellant is to commit murder of the son of the informant, along with other co-accused persons, by inflicting knife injury due to previous enmity, while he was returning home at about 4.00 p.m. on 10.01.2022.

7. Learned counsel for the appellant submitted that informant is not the eye-witness of the occurrence and entire implication is based upon suspicion, arises out of previous enmities. It is submitted that postmortem of the son of the informant was conducted on 10.01.2022 at about 08:50 A.M., which appears improbable in terms of allegation regarding date and time as raised through the present FIR, where, occurrence is alleged to took place at 04:00 PM on 10.01.2022. It is submitted that allegation as regard to inflicting knife injuries, as raised through FIR, appearing non-convincing for the reason, the injury as per postmortem report appears to caused by hard and blunt substance, negating the entire allegation on its face. It is also submitted that the allegation as regard to assault is general



and omnibus. It is also pointed out that similarly situated co-accused, namely, Pramod Rai @ Niki Rai, has been granted bail by this Court through Cr. Appeal (SJ) No. 1842 of 2022, on 19.10.2022. While concluding the argument, it is submitted that appellant found involved in two more criminal cases, where, he is on bail and moreover, investigation of this case has already completed, for which, charge-sheet 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. appearing on behalf of State, opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, and by taking contradictory note of time of occurrence qua postmortem report and also as death appears to be caused by hard and blunt substance coupled with the fact that charge-sheet has already submitted, let the appellant, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 28 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara/concerned Court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 27.06.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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