

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4262 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- GAUNAHA District- West Champaran

MANEER MIAN, Son of Late Belayat Mian @ Gudari Mian R/V- Pakari
Bishauli, P.S- Gaunaha, Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lalmuni Devi Wife of Manoj Ram R/o Pakoli Bishauli, P.S- Gaunaha, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar No.III, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-06-2023 Heard learned counsel for the appellant and learned
Special P.P. 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’) against the order dated 24.09.2022 passed by the learned Additional District and Sessions Judge-Cum-Special Judge (SC/ST) Act, West Champaran, Bettiah, in Bail Petition No. 4009/22 arising out of Gaunaha P.S. Case No. 159 of 2022 registered under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and U/s 3(i)(r)(s) of the SC/ST 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, duly served upon, but informant failed to join the present proceeding.

5. Appellant is named in the F.I.R. and is in custody since 26.07.2022.

6. The allegation against the appellant is to assault the minor daughter of informant to make her unconscious, where assault as alleged was caused by wooden stick.

7. Learned counsel for the appellant submitted that out of neighbourhood disputes and differences, the present false implication was raised. It is also submitted that the injury as found upon the injured daughter of informant is not of such nature which may cause death of the daughter of informant in ordinary course of nature, and as such, negating the intention to cause death. It is further submitted that alleged assault is non repeated without having any intervening circumstances. It is submitted that nothing surfaced during the course of investigation against the appellant which may suggest an atrocities within the meaning of Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent, and moreover, investigation of this case has been



completed, for which, charge-sheet has been submitted and, 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. while opposing the prayer of bail submitted that the allegation of assault is specific against this appellant.

10. In view of the facts and circumstances, as mentioned above and by taking note of nature of injury, which not appears *prima facie* convincing to cause death in ordinary course of nature, coupled with the fact that charge-sheet has already been submitted, where appellant is in custody since 26.07.2022, accordingly, the appellant, above named, is directed to be released on bail in connection with Gaunaha P.S. Case No. 159 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-1st Cum-Special Judge SC/ST, West Champaran, Bettiah/concerned Court, subject to the conditions as laid down u/s 437(3) of the



Cr.P.C.

11. Accordingly, impugned order dated 24.09.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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