

Arising Out of PS. Case No.-177 Year-2023 Thana- BHAWANIPUR District- Purnia

... .. Appellant/s

Versus

- ... Respondent/s

For the Appellant/s : Mr. Bhola Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

ORAL ORDER

3. 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 “SC/ST Act”) against the refusal of prayer for bail vide order dated 12.01.2024 passed by the learned Special Judge (SC/ST Act), Purnia in connection with



Bhawanipur P.S. Case No.177 of 2023 registered under Sections 341, 323, 427, 447, 448, 504, 506/34 of Indian Penal Code and Section 3(1)(g) (s) of SC/ST Act.

4. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

5. The allegation against the appellant is to have assaulted the informant and threatened to leave the land of the informant along with other co-accused persons.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case due to land dispute. It is submitted that all the Sections are bailable except offence under SC/ST Act. It is submitted that allegation is not specific against this appellant, where, allegation against this appellant is general and omnibus in nature. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act. It is further submitted that appellant is in custody since 24.12.2023.

7. 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.

8. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

9. In view of the submissions, as made above and as there is no specific allegation against this appellant, let the appellant, above named, is directed to be released on bail in connection with Bhawanipur P.S. Case No.177 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 Special Judge, SC/ST Act, Purnia.

10. Accordingly, impugned order dated 12.01.2024 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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