

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.924 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHAURAH District- Saran

Abhishek Ray @ Abhishek Kumar Ray S/o Sri Manoj Ray R/o vill - Rampur,
P.s. - Madhaura, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramawati Devi W/o Prabhu Ram R/o vill - Rampur, P.S. - Madhaura (Gaura O.P.), Distt. - Saran (Chhapra)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 02-08-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State.

2. Learned Special P.P. appearing for the State

submitted that notice has been served validly, but no one

appears for the informant.

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 29.08.2023 passed by the

learned Exclusive Special Judge (SC/ST Act), Chapra, Saran in



connection with Madhaura (Gaura) P.S. Case No.262 of 2023 registered under Sections 302/34 of Indian Penal Code and Section 3(2)(v) 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 committed murder of the son 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. It is submitted that the informant is not the eye-witness to the occurrence. It is submitted that there is no specific allegation against this petitioner, where, allegation against him 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 a man of clean antecedent and in custody since 18.05.2023.

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 and submits that the son of the informant has taken the name of the appellant and other co-accused while he was taken to hospital and thereafter he immediately died.

9. On perusal of the first information report and impugned order dated 29.08.2023, it appears that appellant along with other co-accused persons are accused of murdering the son of the informant with a knife and witnesses have supported the case of the prosecution as per para-7, 9 and 10 of the case diary and the postmortem report has also supported the case of the prosecution case narrated by the oral witnesses and chargesheet has also been submitted against the appellant and cognizance has been taken against him so considering all aspects of the matter, I am not inclined to grant regular bail of the appellant.

10. Prayer for regular bail of the appellant is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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