

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1748 of 2024

Arising Out of PS. Case No.-461 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vikash Sahni Son of Ram Bilash Sahni Resident of Village- Naula, P.S.-
Bhagwanpur, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Shaligram Paswan Son of Sattdeo Paswan @ Paidal Paswan R/o Village-
Gara, Ward No.01, P.S.- Bhagwanpur, Dist.- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anshu Dhar Sharma, Adv. Mrs. Namita Sharma, Adv.
For the Respondent/s	:	Mrs. Usha Kumari I, Spl.PP
For the Informant	:	Mr. Ajay Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-09-2024 Heard the parties.

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 18.03.2024 passed by the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 461 of 2021 registered under Sections 341, 307 and 34 of the Indian Penal Code and Section 3(2)(v)(R)(S) of SC/ST



(POA) Act and under Section 27 of Arms Act.

3. The notice issued upon informant/respondent no. 2 and informant is duly represented through Mr. Ajay Kr. Singh.

4. Appellant is named in the F.I.R. and is in custody since 27.02.2024.

5. It is submitted by learned counsel that the allegation to open fire is also available against co-accused Dharamvir Thakur @ Dharmvir Kumar as of this petitioner, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. APP (SJ) No. 4446 of 2022 order dated 02.05.2023 and, therefore, discipline of parity demand that this appellant be also released on bail. It is submitted that the appellant found involved in nine more criminal case where he is on bail. It is pointed out by the learned counsel that the informant of this case is a veteran criminal and found involved in Bhagwanpur P.S. Case No. 148 of 2019 instituted under Arms Act. While traveling over the



argument Mr. Sharma submitted that during the course of investigation the informant of this case filed affidavit by retracting his earlier version suggesting implication of this petitioner false as the present case was lodged under confusion, which now stands compromised. It is further submitted that nothing appears out of allegation as raised through FIR that the occurrence arises out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989. 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***. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet already been submitted, as such, there is no chance of tampering with the evidence. Learned counsel of informant could not disputed the affidavit of



informant where implication of petitioner disputed.

6. Learned Spl.P.P. for the State duly assisted by learned counsel for the informant while opposing the prayer of bail, submitted that appellant actively participated in the present occurrence.

7. In view of the facts and circumstances and by taking note of fact as similarly situated co-accused having allegation of firing namely Dharamvir Thakur @ Dharmvir Kumar has already been granted bail by one of the co-ordinate Bench of this Court as discussed above, accordingly appellant above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 461 of 2021.

8. Accordingly, impugned order dated



18.03.2024 is set aside.

9. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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