

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2270 of 2023**

Arising Out of PS. Case No.-319 Year-2020 Thana- PHULPARAS District- Madhubani

=====

RAJU YADAV @ RAJU KUMAR SON OF SANTLAL YADAV RESIDENT
OF VILLAGE- KURIBAN, PS- LAUKAHI, DISTT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. DINESHWAR AZAD SON OF LATE JALESHWAR PAWAN RESIDENT
OF VILLAGE- MAHTHOUR, PS- PHULPARAS, DIST- MADHUBANI

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 23-04-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State as well as learned counsel for
the respondent no.2/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, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 24.03.2023 passed by the
learned Additional Sessions Judge-cum Special Judge (SC/ST



Act), Madhubani in connection with Phulparas P.S. Case No.319 of 2020 registered under Sections 302, 201/34 of Indian Penal Code and Section 3(i)(r)/3(2)(va) of SC/ST Act.

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

4. The appellant is not named in F.I.R. and is in custody since 12.10.2022.

5. The allegation against the appellant is to have committed murder of one lady, namely, Rina Devi, aged about 20 years.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case and the entire allegation is on the basis of suspicion, where, name of the present appellant surfaced during course of investigation, on the basis of confessional statement of other co-accused person. 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. While concluding the argument, it is also submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance



of tampering with the evidence.

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 duly assisted by learned counsel for the Respondent No.2/Informant opposes the prayer for bail of the appellant.

9. In view of the submissions, as made above and as it appears from perusal of case diary and impugned order that during course of investigation, father of deceased, namely, Pawan Sadai stated before the I/O that one Tarun Yadav informed him that his daughter seen with Raju Yadav, who has not been examined under Section 161 Cr.P.C. and as there is no eye-witness to the present occurrence, let the appellant, above named, is directed to be released on bail in connection with Phulparas P.S. Case No.319 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum Special Judge (SC/ST Act), Madhubani.

10. Accordingly, impugned order dated



24.03.2023 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

S.Katyayan/-

U		T	
---	--	---	--

