

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2635 of 2024

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

Shekh Shahid Son of Shekh Saroj Husain Resident of Village - Katokhar, P.S.
- Manjhi, District - Saran (CHHAPRA)

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Kumar Singh Son of Late Nand Kishor Singh Resident of Village - Katokhar, P.S. - Manjhi, District - Saran (Chhapra)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shatrughan Pandey, Adv

For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-09-2024 Heard learned counsel for the appellant,

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 13.03.2024 passed by the learned Additional Sessions Judge (VI)-cum-Special Judge SC/ST Act, Saran at Chapra in connection with A.B.P. No. 4569 of 2023 arising out of Manjhi P.S. Case No. 238 of 2020 registered under Sections 147, 148, 323, 307, 376 and 511 of the Indian Penal Code and Section 3(r) (s) of



SC/ST (POA) Act.

3. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 09.08.2024, about the present Court proceedings, where informant failed to join the present proceedings.

4. Appellant is not named in the F.I.R.

5. The allegation against the appellant is to assault informant and his other family members by causing bodily injuries, which may likely cause their death. It was further alleged that appellant alongwith other co-accused persons outraged the modesty of the daughter of informant.

6. Learned counsel for the appellant submitted that the present occurrence took place out of neighbourhood disputes and differences and for said reason by making his daughter instrumental the present false case was lodged against appellant out of ulterior and oblique motive. It is submitted that no caste name appears disclosed during the occurrence by any of the co-accused persons including this appellant. It is submitted that alleged occurrence as per



F.I.R. not appears to be taken place in public view, so as to attract allegations under SC/ST (POA) Act. It is further submitted that allegation by caste name is almost available. It is also submitted that allegation *qua* physical assault is very much general and omnibus against this petitioner, rather it is specific against co-accused Ashraf Ali. It is further submitted that similarly situated co-accused, namely Saif Ali @ Raja Ansari, has already granted anticipatory bail by this learned Court through Criminal Appeal (SJ) No. 2669 of 2023 vide order dated 13.09.2024.

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, while opposing the prayer of bail, submitted that appellant actively participated in the present occurrence.

9. In view of the facts and circumstances, as mentioned above and by taking note of nature of allegation



qua physical assault, which is appearing very much general and omnibus against this appellant, rather same appears specific against co-accused Ashraf Ali, accordingly appellant above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned VIth Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Saran at Chapra/concerned trial court where the case is pending in connection with Manjhi P.S. Case No. 238 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

10. Accordingly, impugned order dated 13.03.2024 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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