

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2960 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

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Omkar Nath Singh @ Sheru Singh S/O Sri Krishna Singh R/O Village-
Dulhanpur,P.S.-Simri,Distt-Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Upadhyay S/O Paras Upadhyay R/O Village-Majaharia,P.S.-Industrial
Area, Distt-Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Hansraj, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-09-2024 Heard learned counsel for the appellant, learned

Special P.P. for the State duly assisted by and learned

counsel for the informant.

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 22.04.2024 passed by the

learned Additional Sessions Judge-I-cum-Special Judge,

SC/ST (POA) Act, Buxar in connection with Dumraon P.S.

Case No. 146 of 2022 registered under Sections 394 and

302 of the Indian Penal Code, Section 27 of the Arms Act



and Section 3(2) (V) of SC/ST Act.

3. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 31.08.2024, about the present Court proceedings, where informant failed to join the present proceedings.

4. Appellant is not named in the F.I.R. and is in custody since 24.11.2022.

5. The allegation against the appellant is to commit robbery alongwith other unknown co-accused persons and while committing so taken away cash of Rs. 5,14,000/- belong to informant, while he was going to deposit the same with the bank. One Manoj Paswan, Manager of the petrol pump, was shot dead during the course of occurrence.

6. Learned counsel for the appellant submitted that the appellant is not named in the F.I.R. and his name surfaced in the present case on the basis of confessional statement of co-accused Umesh Singh, while apprehended in Buxar Industrial Area P.S. Case No. 67 of 2022, where in furtherance of which no incriminating material



recovered/surfaced during the course of investigation to connect this appellant with the present occurrence of robbery and murder. It is also submitted that appellant was not put on T.I.P., as yet. It is further submitted that similarly situated co-accused, namely Umesh Singh, has already been granted bail by one the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 2591 of 2022 vide order dated 17.02.2023. It is also submitted that nothing surfaced from the bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that one of the reason for false implication of appellant with the present occurrence is suspicion from his previous criminal antecedents, as he found involved in 17 more criminal cases, where in maximum number of cases he is on bail and in most of the cases his name transpired on the basis of confessional statement as of the present case, otherwise having no evidentiary value under the law and moreover, investigation of this case has been completed, for which, charge-sheet has



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

9. In view of the facts and circumstances, as mentioned above and by taking note of the facts as save and except confessional statement of co-accused nothing incriminating appears against appellant as to connect him with the present occurrence of robbery and murder coupled with the fact, that charge-sheet has already submitted, where appellant is in custody since 24.11.2022, accordingly the appellant, above named, is directed to be released on bail in connection with Dumraon P.S. Case No. 146 of 2022



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-I-cum-Special Judge, SC/ST Act, Buxar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

10. Accordingly, impugned order dated 22.04.2024 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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