

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3111 of 2023

Arising Out of PS. Case No.-3 Year-2018 Thana- SAMHO District- Begusarai

ASHOK SINGH Son of Late Batoran Singh Resident of village - Nandpur,
P.S. - Suryagarha, Distt. - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Paswan Son of Banarsi Paswan Resident of village - Akaha Kurha,
P.S. - Samho, Distt. - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s : Mr. Binay Kirshna, Special P.P.

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

ORAL ORDER

4 26-02-2024 Heard learned counsel for the appellant and
learned Special P.P. for the State.

2. Learned Special P.P. appearing on behalf of
the State submitted that the notice has already been served
validly upon wife of the informant, but no one appears on behalf
of 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 01.05.2023 passed by the
learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai
in connection with Samho P.S. Case No.03 of 2023 registered



under Sections 302/34 of Indian Penal Code, Section 27 of the Arms Act 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 father 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 there is no eye-witness to the occurrence. It is submitted that the allegation as regard to assault against this petitioner is general and omnibus in nature. It is also submitted that all the co-accused persons except this appellant have already been granted bail by the Hon'ble Court, where, lastly Sukesh Singh @ Sukesh Choudhary @ Mukesh Choudhary has been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 13898 of 2022 on 18.07.2022. It is further submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence. It is further submitted that appellant was remanded in this case on 18.12.2021.



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.

9. In view of the submissions, as made above and as FIR lodged by the informant against 11 named persons and some unknown persons and similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court, let the appellant, above named, is directed to be released on bail in connection with Samho P.S. Case No.03 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai.

10. Accordingly, impugned order dated 01.05.2023 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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