

**CRIMINAL APPEAL (SJ) No.3775 of 2023**

**CRIMINAL MISCELLANEOUS No.39479 of 2023**

POLICE RAY @ SIPAHI RAY S/O JAGDEV RAY R/O VILLAGE-DHAJWA TOLA HALDI CHHAPRA, P.S- MANER AND DISTT.- PATNA, BIHAR.

Versus

- ... .. Respondent/s

|                      |   |                                                                                                       |
|----------------------|---|-------------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Gaurav Kumar, Advocate<br>Mr. Sanjay Kumar Griyaghey, Advocate<br>Mr. Harshit Griyaghey, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, Special P.P.                                                                       |

## ORAL ORDER

2. The appellant has preferred the present writ 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 01.04.2023 passed by the learned Special Court, SC/ST, Patna in connection with Maner P.S. Case No.574 of 2021 registered under Sections 302 of Indian Penal Code and Section 3(2)(V) of SC/ST Act.

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

4. The appellant is named in F.I.R. and is in custody since 14.10.2022.

5. The allegation against the appellant is to have committed murder of the father of informant.

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. It is submitted that the informant is not the eye-witness to the occurrence. It is also submitted that it appears from perusal of postmortem report that cause of death of deceased due to hemorrhage and chock due to above antemortem injury leading to cardio respiratory failure. 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.

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 informant opposes the prayer for bail of the appellant.

9. In view of the submissions as made above and as there were no eye-witness to the occurrence and cause of death of deceased due to hemorrhage and chock due to above antemortem injury leading to cardio respiratory failure, where, petitioner is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Maner P.S. Case No.574 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST Act, Patna.

10. Accordingly, impugned order dated 01.04.2023 is set aside.

11. Hence, appeal stands allowed.



12. However, it is made clear that petitioner have to present physically on each and every date before the Trial Court till conclusion of the trial.

**(Ramesh Chand Malviya, J)**

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