

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4426 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHAURAH District- Saran

KAMLESH RAI @KHESARI S/O LATE BHAWANI RAI R/O VILLAGE-
RAMPUR, P.S. MADHAURA (GAURA O.P.), DISTRICT- SARAN AT
CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMAVATI DEVI W/O PRABHU RAM R/O VILLAGE- RAMPUR, P.S.
MADHAURA (GAURA O.P.), DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Udai Shankar Singh
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 28-02-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State.

2. Learned Special P.P. appearing for the State

submitted that notice has been served validly, but no one

appears for 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 25.08.2023 passed by the

learned Exclusive Special Judge (SC/ST Act), Chapra, Saran in

connection with Madhaura (Gaura) P.S. Case No.262 of 2023



registered under Sections 302/34 of Indian Penal Code 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 son 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 the informant is not the eye-witness to the occurrence. It is submitted that there is no specific allegation against this petitioner, where, allegation against him is general and omnibus in nature. 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 also submitted that similarly situated co-accused persons have already been granted bail by a learned co-ordinate Benches of this Court through Cr. Appeal (SJ) No.4311 of 2023 on 11.01.2024 and Cr. Appeal (SJ) No.4927 of 2023 on 25.01.2024. It is further submitted that appellant is a man of clean antecedent and in custody since 17.05.2023.

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 by learned counsel for the appellant and as there is no specific allegation against this appellant where, appellant is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Madhaura (Gaura O.P.) P.S. Case No.262 of 2023 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 Act, Chapra, Saran/concerned court.

10. Accordingly, impugned order dated 25.08.2023 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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