

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4646 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

KARU YADAV @ ROHIT YADAV SON OF NATU YADV R/O VILLAGE-
ALIGANJ, MAHESHPUR, P.S.- BABARGANJ, DIST.- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. RESHMA DEVI WIFE OF RAJKUMAR PASWAN R/O VILLAGE-
ALIGANJ, MAHESHPUR, P.S.- BABARGANJ, DIST.- BHAGALPUR

... Respondent/s

Appearance :

For the Appellant/s : Mr.Narendra Kumar Singh

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

5 28-02-2024 Heard learned counsel for the appellant and
learned Special P.P. for the State, on point of admission and on
merit also.

2. 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 18.08.2023 passed by the learned Additional District and Session Judge – III-cum Special



Judge (SC/ST Act), Bhagalpur in connection with Mohahidpur (Babarganj) P.S. Case No.146 of 2023 registered under Sections 436, 448, 504 and 506 of Indian Penal Code and Section 3(i)(r) (s) of SC/ST Act.

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

4. Learned Special P.P. appearing for the State submitted that the notice has served validly but informant is not present.

5. The allegation against the appellant is to have threatened telephonically to the husband of the informant that he will kill her wife and it is also alleged that the appellant put the tea shop of the informant on fire, where, entire shop was burnt and occurred loss of Rs.2,000/- to Rs. 3,000/-.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. 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, where, the appellant belongs to the SC/ST community. It is submitted that nothing incriminating materials surfaced during course of investigation, which may connect this petitioner with the present



set of occurrence. It is submitted that the present appellant demanded money, which was given to the informant at the time making of tea shop. It is further submitted that petitioner is in custody since 17.04.2023.

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 above, as statement of witnesses as recorded under Section 161 of the Cr.P.C. supported the version of the FIR and charge under Section 436 of the IPC is a serious offence, this Court is not inclined to grant bail to the appellant, at present.

10. Accordingly, the prayer of bail of the appellant is rejected herewith and the present appeal stands disposed of.

11. However, learned trial court is directed to conclude the trial of this case within one year from the date of receipt of a copy of this order and appellant shall be at liberty to



renew his prayer for bail before learned trial court, if trial could
not concluded within specified time period.

(Ramesh Chand Malviya, J)

S.Katyayan/-

U		T	
---	--	---	--

