

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4800 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. ASHISH KUMAR SON OF PERMANAND YADAV RESIDENT OF VILLAGE - GUDIYA WARD NO.12-14, P.S. - KUMARKHAND, DISTRICT - MADHEPURA
2. ARVIND KUMAR SON OF PERMANAND YADAV RESIDENT OF VILLAGE - GUDIYA WARD NO.12-14, P.S. - KUMARKHAND, DISTRICT - MADHEPURA
3. LALIT NATH MANDAL SON OF LATE SURYA NARAYAN YADAV @ LATE SURYA NARAYAN MANDAL RESIDENT OF VILLAGE - GUDIYA WARD NO.12-14, P.S. - KUMARKHAND, DISTRICT - MADHEPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAMBHA DEVI WIFE OF RAJKUMAR PASWAN RESIDENT OF VILLAGE - GUDIYA WARD NO.14, P.S. - KUMARKHAND, DISTRICT - MADHEPURA, AT PRESENT IN-CHARGE PRINCIPAL, MIDDLE SCHOOL GUDIYA, P.S. - KUMARKHAND, DISTRICT - MADHEPURA

... Respondent/s

Appearance :

For the Appellant/s : Mr.Samrendra Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 28-02-2024 Heard learned counsel for the appellants 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 22.09.2023 passed by the learned Additional District and Sessions Judge – Ist-cum-Special Judge, Madhepura in connection with Kumarkhand P.S. Case No.57 of 2023 registered under Sections 341, 323, 353, 354B, 384, 379, 504, 506/34 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 notice has validly been served but informant not appeared.

5. The allegation against the appellants is to have assaulted the informant and informant side and further alleged that demanded ransom amount of Rs. 10000/- during meeting of education committee of school and started hulla and on non-fulfillment of demand appellant broken Mangalsutra and pulled down.

6. Learned counsel for the appellants submitted that the appellants have falsely been implicated in the present case. It is submitted that there is case and counter case, where, both the FIR were lodged on the same day. It is submitted that the allegation against appellant no.1 and appellant no.2 is



general and omnibus in nature whereas against appellant no.2 Dipak Kumar and Rahul allegedly abused O.P. No.2 with caste is outrightly false. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against these appellants, which attracts atrocities within the meaning of the SC/ST Act. It is further submitted that appellants are in custody since 16.08.2023. It is further 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.

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 there is general and omnibus allegation against these appellants and considering the injury report of the injured, let these appellants, above named, are directed to be released on bail in connection with Kumarkhand P.S. Case No.57 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 Additional District and Sessions Judge – Ist-cum-Special Judge, Madhepura.

10. Accordingly, impugned order dated 22.09.2023 is set aside.

11. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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