

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5289 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

Ramkrishna Yadav @ Ramu Yadav @ Ramo Yadav, Son of Late Mafatlal Yadav @ Mofat Yadav, Resident of Village - Shakrohar, Police Station - Beldour, District – Khagaria.

... .. Appellant/S

Versus

1. The State of Bihar.
2. Santu Kumar Ram, Son of Late Shyamlal Ram Resident of Village - Bisbari Klard No.4, P.S. - Gwalpara, District – Madhepura.

... .. Respondent/S

With
Criminal Appeal (SJ) No. 5568 Of 2023

Arising Out Of Ps. Case No.-96 Year-2021 Thana- Gwalpara District- Madhepura

Dilkhush Yadav @ Dilkhush Kumar S/O Janeshwar Yadav @ Dinesh Yadav Resident of Village- Bishwari, Ward No. 2, P.S. Gwalapara, Dist. Madhepura.

... .. Appellant/S

Versus

1. The State of Bihar.
2. Santu Kumar Ram S/O Late Shyamlal Ram R/O Village- Bisbari Klard No. 4, Ps. Gwalapara, Dist.Madhepura.

... .. Respondent/S

With
Criminal Appeal (SJ) No. 5573 Of 2023

Arising Out Of Ps. Case No.-96 Year-2021 Thana- Gwalpara District- Madhepura

Sanjeev Paswan @ Dara S/O Late Chandradeep Paswan, Resident of Village- Shyam, Ward No. 13, P.S. Gwalapara, Dist. Madhepura.

... .. Appellant/S

Versus

1. The State of Bihar.
2. Santu Kumar Ram, S/O Late Shyamlal Ram, Resident of Village- Bisbari Klard No. 4, P.S. Gwalpara, Dist. Madhepura.

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 5289 of 2023)



For the Appellant/s : Mr.Rajnish Kumar Singh
For the Respondent/s : Mr.Binay Krishna
(In CRIMINAL APPEAL (SJ) No. 5568 of 2023)
For the Appellant/s : Mr.Rajnish Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan
(In CRIMINAL APPEAL (SJ) No. 5573 of 2023)
For the Appellant/s : Mr.Rajnish Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 05-07-2024

Cr. APP (SJ) No. 5289 of 2023

1. Heard learned counsel for the appellant and learned Special P.P. for the State.

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 05.10.2023 passed by the learned Additional District & Sessions Judge-I-cum Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocity Act), Madhepura, in B.P. No. 1617 of 2023 in connection with Gwalpara P.S. Case No. 96/2021 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 384, 307, 302 of the Indian Penal Code and Section 27



of the Arms Act and Sections 3(2)(v)/3(2)(va) of SC/ST Act.

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

4. Notice appears served to respondent no. 2 by way of substituted mode of service, which shows that it has been served validly upon informant but failed to join the present proceedings.

5. Appellant is named in the FIR and is in custody since 01.08.2023.

6. The allegation against the appellant is to assault the father of informant alongwith co-accused persons with butt of rifle, causing injuries on back and chest.

7. Learned counsel appearing for the appellant submitted that the appellant implicated falsely with present case out of local disputes and differences. It is further submitted that though the informant stated in the FIR that specific allegation of assault was caused by



this appellant over back and chest of the deceased, but no any specific allegation was raised during the course of investigation. It is submitted that other injuries were alleged to be inflicted by 16 named accused persons. Learned counsel further submitted that nothing appears on facial perusal of FIR that present occurrence took place out of atrocities within the meaning of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further pointed out that similarly situated co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court.

8. Learned Special P.P. while opposing the prayer of bail submitted that the allegation is to cause injury is specific against this appellant but fairly conceded that same appears to be caused by 17 named accused persons.

9. Learned counsel for the appellant submitted that if insult/occurrence is not caused to victim/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.***

10. In view of the submissions, as made above as similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court, considering the parity, let the appellant, above named, is directed to be released on bail in SC/ST Case No. 46/2021 in connection with Gwalpara P.S. Case No. 96/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST (POA), Madhepura.

11. Accordingly, impugned order dated 05.10.2023 is set aside.

12. Hence, appeal stands allowed.

Cr. APP (SJ) No. 5568 of 2023

1. Heard learned counsel for the appellant and



learned Special P.P. for the State.

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 19.10.2023 passed by the learned Additional District & Sessions Judge-I-cum Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocity Act), Madhepura, in B.P. No. 1862 of 2023 arising out of SC/ST Case No. 46 of 2021 in connection with Gwalpara P.S. Case No. 96/2021 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 384, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v)/3(2)(va) of SC/ST Act.

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

4. Notice appears served to respondent no. 2 by way of substituted mode of service, which shows that it



has been served validly upon informant but failed to join the present proceedings.

5. Appellant is named in the FIR and is in custody since 13.09.2023.

6. The allegation against the appellant is to assault the father of informant alongwith co-accused persons with rod and knife, causing injuries on chest.

7. Learned counsel appearing for the appellant submitted that the appellant implicated falsely with present case out of local disputes and differences. It is further submitted that though the informant stated in the FIR that specific allegation of assault was caused by this appellant over chest of the deceased, but no any specific allegation was raised during the course of investigation. It is submitted that other injuries were alleged to be inflicted by 16 named accused persons. Learned counsel further submitted that nothing appears on facial perusal of FIR that present occurrence took place out of atrocities within the meaning of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further pointed out that similarly situated co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court.

8. Learned Special P.P. while opposing the prayer of bail submitted that the allegation is to cause injury is specific against this appellant but fairly conceded that same appears to be caused by 17 named accused persons.

9. Learned counsel for the appellant submitted that if insult/occurrence is not caused to victim/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.***

10. In view of the submissions, as made above as similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court, considering the parity, let the



appellant, above named, is directed to be released on bail in B.P. No. 1862 of 2023 arising out of SC/ST Case No. 46/2021 in connection with Gwalpara P.S. Case No. 96/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST (POA), Madhepura.

11. Accordingly, impugned order dated 19.10.2023 is set aside.

12. Hence, appeal stands allowed.

Cr. APP (SJ) No. 5573 of 2023

1. Heard learned counsel for the appellant and learned Special P.P. for the State.

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



19.10.2023 passed by the learned Additional District & Sessions Judge-I-cum Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocity Act), Madhepura, in B.P. No. 1907 of 2023 arising out of SC/ST Case No. 46 of 2021 in connection with Gwalpara P.S. Case No. 96/2021 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 384, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2)(v)/3(2)(va) of SC/ST Act.

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

4. Notice appears served to respondent no. 2 by way of substituted mode of service, which shows that it has been served validly upon informant but failed to join the present proceedings.

5. Appellant is named in the FIR and is in custody since 27.09.2023.

6. The allegation against the appellant is to assault the father of informant alongwith co-accused



persons with rod and butt of rifle, causing injuries on chest and thigh.

7. Learned counsel appearing for the appellant submitted that the appellant implicated falsely with present case out of local disputes and differences. It is further submitted that though the informant stated in the FIR that specific allegation of assault was caused by this appellant over chest of the deceased, but no any specific allegation was raised during the course of investigation. It is submitted that other injuries were alleged to be inflicted by 16 named accused persons. Learned counsel further submitted that nothing appears on facial perusal of FIR that present occurrence took place out of atrocities within the meaning of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further pointed out that similarly situated co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court.

8. Learned Special P.P. while opposing the



prayer of bail submitted that the allegation is to cause injury is specific against this appellant but fairly conceded that same appears to be caused by 17 named accused persons.

9. Learned counsel for the appellant submitted that if insult/occurrence is not caused to victim/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.***

10. In view of the submissions, as made above as similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court, considering the parity, let the appellant, above named, is directed to be released on bail in B.P. No. 1907 of 2023 arising out of SC/ST Case No. 46/2021 in connection with Gwalpara P.S. Case No. 96/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each



to the satisfaction of learned Additional District &
Sessions Judge-I-cum-Special Judge, SC/ST (POA),
Madhepura.

11. Accordingly, impugned order dated
19.10.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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