

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5515 of 2023**

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

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SANUA @ SANU S/O AHMAD HUSSAIN R/O VILLAGE- KUJIBANA,
P.S- KADWA, DISTT.- KATIHAR.

... .. Appellant/s

Versus

1. The State of Bihar
2. PARMOD KUMAR ROY S/O SOBHA ROY R/O VILLAGE- KUJIBANA,
P.S- KADWA, DISTT.- KATIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Md Musowir
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 28-02-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State as well as learned counsel for
the respondent no.2/informant, 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 09.11.2023 passed by the



learned A.D.J.-I-cum- Special Judge (SC/ST Act), Katihar in connection with Kadwa P.S. Case No.220 of 2023 registered under Sections 307/120B/34 of Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(va) of SC/ST Act.

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

4. The allegation against the appellant is to have tried to commit murder of brother of the informant due to non-fulfillment of demand of ransom amount.

5. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. It is submitted that no specific allegation is against the petitioner, rather specific allegation is against other co-accused persons, namely, Sakir Reza and Banna. 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 no one supported about the involvement of this petitioner with the present set of occurrence. It is further submitted that appellant is in custody since 14.10.2023.

6. 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.*

7. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant opposes the prayer for bail of the appellant.

8. In view of the submissions, as made above and as specific allegation is against other co-accused persons and no over act has been levelled against this petitioner and in spite of several criminal antecedents, let the appellant, above named, is directed to be released on bail in connection with Kadwa P.S. Case No.220 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 A.D.J.-I-cum-Special Judge (SC/ST Act), Katihar.

9. Accordingly, impugned order dated 09.11.2023 is set aside.

10. Hence, appeal stands allowed.

11. However, it is made clear that petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the



petitioner with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the trial of this case.

(Ramesh Chand Malviya, J)

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