

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5601 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- BIHTA District- Patna

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Om Prakash Yadav @ Om Prakash Kumar, Son of Subhash Yadav, R/o vill -
Kanchanpur Tola, P.S. - Bihta, Distt. - Patna

... .. Appellant

Versus

1. The State of Bihar
2. Mahapati Devi, W/o Late Surendra Paswan, R/o village-Kanchanpur Tola,
P.S. - Bihta, Distt.- Patna

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Sudish Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.
For the Informant : Mr. Vageshwar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT
Date : 03-05-2024

Heard learned counsel for the appellant and
learned Special Public Prosecutor 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 (for short
'the Act') for setting aside the impugned order dated
19.10.2023 passed by the learned Exclusive Special Court,
SC/ST Act, Patna in connection with Special Case No.48 of



2023 arising out of Bihta P.S. Case No.852 of 2022 registered for the offences punishable under Sections 341, 323, 307, 302, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(2)(v) of the Act.

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

4. Notice was issued vide order dated 08.02.2024 by this Court regarding present proceedings in terms of Section 15-A(3) of the Act to the informant.

5. It is submitted by learned Special Public Prosecutor that information already given to informant in terms of aforesaid order. The learned counsel for the informant/opposite party no.2 is present in the court.

6. Accused/appellant is named in the FIR and is in custody since 07.10.2023.

7. Allegation against the appellant is to commit murder of the husband of the informant along with other co-accused persons.

8. It is submitted by learned counsel for the



appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific allegation of assaulting the deceased is not against the appellant. It is further submitted that nothing surfaced during the course of investigation, which may suggest that act of appellant can be said to be an atrocities within the meaning of Act as to cause present occurrence. It is further submitted that similarly situated co-accused, namely, Rajendra Yadav @ Rajendra Prasad Yadav has already granted bail by a learned co-ordinate Bench of this court vide order dated 24.08.2023 passed in Criminal Appeal (SJ) No.77 of 2023 with analogous case. While concluding argument, it is submitted that appellant is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Learned counsel for the appellant submitted that if insult is not caused to informant/opposite party No.2 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. Learned Special Public Prosecutor duly assisted by learned counsel for the informant while opposing the prayer for bail of the appellant fairly submitted that allegation against the appellant is general and omnibus.

11. In view of above-mentioned facts and circumstances, as allegation against the appellant is general and omnibus, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 07.10.2023, accordingly, the appellant, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No.48 of 2023 arising out of Bihta P.S. Case No. 852 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

12. Accordingly, the impugned order dated 19.10.2023 is set aside.



13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.05.2024
Transmission Date	06.05.2024

