

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1 of 2024**

Arising Out of PS. Case No.-207 Year-2020 Thana- YADOPUR District- Gopalganj

Saddam Mian @ Md. Saddam Hussain Son Of Late Bhola Mian Resident Of
Village- Baluwa Tola, Ps- Jadopur, Distt- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Raju Gond, Son of Late Manegar Gond Resident of Village- Abadhnagar,
Vishunpur, P.S.- Jadopur, Dist- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramadhar Shekhar, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 16-05-2024 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 Act") against the
refusal of prayer for bail vide order dated 22.11.2023
passed by the learned Additional Sessions Judge-XI-
cum-Exclusive Special Judge, SC/ST Act, Gopalganj
(Bihar) in connection with Jadopur P.S. Case No. 207 of
2020 registered under Sections 341, 323, 302, 504 and



34 of Indian Penal Code and Sections 3(1)(r)(s)(w)/3(2)
(va) of SC/ST (POA) Act.

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

4. Notice has been issued to Respondent no.2,
served upon and duly represented.

5. The appellant is named in F.I.R. and is in
custody since 06.11.2023.

6. Allegation against the appellant is to commit
murder of brother of informant by causing bodily
injuries, due to local disputes and differences.

7. Learned counsel for the appellant submitted
that allegation of assault is not specific against this
appellant, where, occurrence is of free fight in nature. It
is further submitted that brother of informant received
fatal injuries, due to motorcycle accident as stated by
witnesses, during course of investigations and in
reference, thereof, pointed out paragraph no.7 of the
case diary. It is also submitted that act of the appellant



cannot be said an atrocities, within the meaning of the Act, as per face of FIR. While concluding the argument, it has been submitted 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.

8. 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.***

9. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No. 2/Informant, while opposing the prayer of bail, submitted that it was an intentional hitting, given colour of accident.

10. In view of the submissions, as made above, as the allegation of assault is not specific against this



appellant, where, admittedly, death of deceased was due to injuries caused by motorcycle, let the appellant, above named, is directed to be released on bail in connection with Jadopur P.S. Case No. 207 of 2020 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 Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj (Bihar), subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.11.2023 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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