

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2442 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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1. PRIYANKA KUMARI Daughter of Ram Kishun Ram Resident of village- Rampurwa, Ward No. 13 PS- Valmikinagar, District- West Champaran
 2. Dikshit Kumar Son of Ram Kishun Ram Resident of village- Rampurwa, Ward No. 13 PS- Valmikinagar, District- West Champaran
 3. Munna Ram Son of Ram Kishun Ram Resident of village- Rampurwa, Ward No. 13 PS- Valmikinagar, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Son of Late Bhikham Ram Resident of village- Rampurwa, Ward No. 13 PS- Valmikinagar, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Adv. Mr. Bharti Rai, Adv. Mr. Sitesh Kashyap, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP Mr. Milind Kr. Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-02-2025 Heard the parties.

2. The appellants has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 22.04.2022 passed by the learned 1st Additional District and Sessions Judge cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 20 of 2021 registered under



Sections 147, 148, 149, 120B, 302 of the IPC and Sections 3(i)(r)(s), 3(2)(V-a), 3(2)(v) of SC/ST (POA) 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, and duly represented.

5. Allegation against the appellants is to commit murder of the father of the informant along with other 14 named co-accused persons by assaulting father of the informant through *farsa*, rod, *lathi* etc. where occurrence is alleged to be arising out of land dispute.

6. Learned counsel appearing for the appellant submitted that police after investigations submitted final form and didn't sent appellants for facing trial for the offences under SC/ST Act, 1989, but learned trial court taking a different view without assigning any reason took cognizance against appellants, which occasioned to prefer the present appeal. It is submitted that the learned trial court rejected the prayer of appeal solely on the ground that it is not maintainable in view of SC/ST (POA) Act, 1989 by completely



ignoring the fact that both parties belong to same community and, therefore, police after investigation didn't submitted charge-sheet against appellants for the offences under section SC/ST Act but only for the offences committed under Section IPC. It is submitted that admittedly occurrence alleged to be arising out of land disputes where from the face of FIR where informant appearing eye witness of the occurrence, it can be gathered safely that allegations of fatal blow is appearing against co-accused namely, Anil Ram and Nagendra Ram, whereas being family members of main co-accused the accused persons were implicated where allegation against these appellants is to assault on leg that too with co-accused persons. It is submitted that upon postmortem only single injury on head was found negating any other injuries upon deceased, falsifying *prima-facie* allegation as raised against appellants as to assault the father of the informant on his leg. Upon autopsy, doctor did not find any bone fracture as alleged through FIR.

7. It is also submitted that nothing transpires from the face of FIR which may suggest that occurrence alleged to



be arising out of atrocities as defined within the meaning of SC/ST Act, 1989. 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***.

8. Learned Spl.P.P. duly assisted by Mr. Milind Kr. Mishra, learned counsel for the informant while opposing the prayer of appeal submitted that the cognizance was taken by Id. trial court against appellants under SC/ST Act but he could not disputed the fact as submitted above by learned counsel for the appellant that both parties belong to same community.

9. In view of aforesaid factual submissions and by taking note of fact, that both parties belong to same community and also specific allegation of fatal assault is available against co-accused Anil Ram and Nagendra Ram which further appears corroborating with autopsy report by negating any injury upon deceased as alleged to be caused by appellants through FIR, coupled with the fact that all



appellants are men of clean antecedent, where alleged occurrence not appears arising out of atrocities as defined within the meaning of SC/ST Act, accordingly, all three above-named appellants in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 20 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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