

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4183 of 2024

Arising Out of PS. Case No.-291 Year-2022 Thana- BODHGAYA District- Gaya

Rohit Kumar @ Rohit Manjhi, Son of Sanjay Manjhi, Resident of Mohalla-
Near Japan Temple Mastipur, P.S.-Bodh Gaya, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Paswan, Son of Gola Paswan, R/o Village- Mastipur, P.S. and P.O.-
Mastipur, Dist.- Bodh Gaya.

... .. Respondent/s/Opposite Parties

Appearance :

For the Appellant/s : Mr. Mukesh Kumar, advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 28-02-2025

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 the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 09.08.2024 passed by the learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in connection with Bodh Gaya P.S. Case No.291 of 2022 registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506, 447 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(1)(s) and



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 10.01.2025 by this Court regarding present proceedings in terms of Section 15-A(3) of the Act by the learned Spl.P.P. to the informant through concerned S.P./S.H.O.

5. It is submitted by learned Special Public Prosecutor that information already given to the informant in terms of aforesaid order but, he failed to join the present proceeding.

6. Accused/appellant is named in the FIR and is in custody since 17.07.2024.

7. Allegation against the appellant is to cause bodily injury, while equipped with *lathi*, *danda*, sword etc. with further allegation to fire and to abuse by caste name to informant and others, having intention to cause their death.

8. It is submitted by learned counsel appearing for appellant that the injured namely, Asgar Alam @ Kariyal Khan was assaulted by this appellant and other unknown persons,



where during course of occurrence, only this appellant was identified by the injured. It is submitted that as per statement of injured when he asked this appellant that why he is assaulting him, the appellant immediately stopped to assault him. It is pointed out that upon medical examination, the injury of injured was found simple and was not of such nature, which may likely to cause his death. It is submitted that the manner in which the assault was alleged to be made is not sufficient to suggest that the said assault was made with an intention to cause death of Asgar Alam/injured. While concluding argument, it is submitted that investigation of this case is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. It is pointed out by learned counsel that appellant is also the member of scheduled castes community and, therefore, he appears protected to implead with SC/ST case as per the provisions of law and moreover the present occurrence not appears arising out of “atrocities” as defined within the meaning of Act.

9. In support of his submission, learned counsel has



also relied upon the legal report of High Court of Madhya Pradesh as available through ***State of Madhya Pradesh vs. Parasram @ Purushottam*** as reported in ***[2015 (153) AIC 276]***.

10. Learned Special Public Prosecutor while opposing the prayer for bail of the appellant submitted that the appellant was the only person who has been identified by the injured during occurrence and was found engaged in assaulting the injured namely, Asgar Alam but, fairly conceded that the injury received by injured upon medical examination, found as simple.

11. In view of aforesaid facts and circumstances and by taking note of nature of physical assault, which is appearing very much general and omnibus *qua* appellant, where nature of injury also appears simple, coupled with the fact that charge-sheet is already submitted and, as such, there is no chance of tampering with the evidence, where appellant is in custody since 17.07.2024, accordingly, the appellant, above-named, is directed to be released on bail 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 Judge SC/ST, Spl. Court, Gaya in connection with Bodh Gaya P.S. Case No. 291 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

12. Accordingly, the impugned order dated 09.08.2024 is set aside.

13. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-03-2025
Transmission Date	01-03-2025

