

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5400 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- KHUTAUNA District- Madhubani

Saroj Kumar Yadav, son of Raj Kumar Yadav, R/o village – Manshapur, ward no. 12, P.S.- Lalmania, District - Madhubani

... .. Appellant

Versus

1. The State of Bihar
2. Dr. Vijay Mohan Keshari, son of Sita Ram, Resident of village-Supaul, P.S.- Ghanshyampur, Dist- Darbhanga

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshiya Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 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 Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) for setting aside the impugned order dated 13.11.2024 passed by the learned District and Additional Sessions Judge-I, Madhubani in connection with Khatauna P.S. Case No.91 of 2023 registered for the offences punishable under Sections 143, 341, 323, 186, 353, 427, 447, 504, 506 read with 34



of the Indian Penal Code, Section 4 of the Bihar Medical Service Institution and Person Protection Amendment Act, 2014, Sections 3 and 4 of the Prevention of Damages to Public Property Act as well as Sections 3(1)(r)(s) and 3(2)(va) of the Act.

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

4. The accused/appellant is not named in the FIR and apprehending his arrest in connection with Khatauna P.S. Case No.91 of 2023 registered for the offences punishable under Sections 143, 341, 323, 186, 353, 427, 447, 504, 506 read with 34 of the Indian Penal Code, Section 4 of the Bihar Medical Service Institution and Person Protection Amendment Act, 2014, Sections 3 and 4 of the Prevention of Damages to Public Property Act as well as Sections 3(1)(r)(s) and 3(2)(va) of the Act.

5. As per FIR, 15 named co-accused persons including 50-60 unknown forcibly entered into hospital and damaged government property and also abused the persons deputed over there due to certain construction issues and



other issues related with administration of hospital.

6. It is submitted by learned counsel appearing for the appellant that the appellant is not named in the FIR and during investigation on the basis of statement recorded by one Asha worker, he was implicated with present case with general allegation that the appellant was also present during the occurrence. It is submitted that being a public place and hospital, merely on the basis of presence, the appellant cannot be said involved with present occurrence. It is pointed out that even allegation in caste name is also appearing very general and omnibus in nature and same is completely not available against this appellant. The appellant claimed clean antecedent. It is submitted that nothing surfaced during the course of investigation, which may suggest that act of appellant can be said an atrocities within the meaning of Act as to cause present occurrence.

7. 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]***.

8. Learned Special Public Prosecutor while opposing the prayer for bail as preferred through present appeal could not disputed the aforesaid factual submissions. However, it is pointed out that this appellant was named during course of investigation *qua* involvement with present crime in question.

9. Information was duly received by informant regarding present pending proceeding in view of Section 15A(3) of the Act despite of same, the informant failed to join the present proceeding, as submitted by learned Spl.P.P.

10. In view of aforesaid factual submissions and by taking note of fact as save and except the statement of one Asha worker, as discussed aforesaid, suggesting presence of appellant in hospital, which is a public place, nothing further incriminating appears against appellant, who is a man of clean antecedent, accordingly, the appellant, above-named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 District and Additional Sessions Judge-I, Madhubani in connection with Khutauna P.S. Case No.91 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

11. Accordingly, the impugned order dated 13.11.2024 passed by learned District and Additional Sessions Judge-I, Madhubani in connection with Khutauna P.S. Case No.91 of 2023 is set aside.

12. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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