

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5418 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- KATEYA District- Gopalganj

1. Guddu Kumar Shah @ Guddu Shah, S/o Vijay Kumar Shah @ Vijay Shah
2. Satrudhan Shah, S/o Vijay Kumar Shah @ Vijay Shah,
3. Vijay Kumar Shah @ Vijay Shah, S/o Lagan Shah
All are Resident of village- Khalgaon, P.S.- Kateya, Distt.- Gopalganj

... .. Appellants

Versus

1. The State of Bihar
2. Rajmati Devi, W/o Tufani Baitha, Resident of village-Khalgaon, P.S.-
Kateya, Distt.- Gopalganj

... .. Respondents

Appearance :

For the Appellant/s : Mr. Dewanand Tiwari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. All above-named three appellants have 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 Additional Session Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 220 of 2024 registered for the offences punishable under Sections



341, 323, 307, 504, 506 read with 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the Act.

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

4. All above-named three accused/appellants are named in the FIR and apprehending their arrest in connection with Kateya P.S. Case No. 220 of 2024 registered for the offences punishable under Sections 341, 323, 307, 504, 506 read with 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) and 3(2)(va) of the Act.

5. As per FIR, the appellants along with other co-accused persons assaulted the informant and others in drunken condition and caused bodily and head injuries with intention to cause their death.

6. It is submitted by learned counsel appearing for appellants that the occurrence was free fight in nature, where both parties have received injuries, out of which, a prior case to this occurrence was lodged by appellants' side, which was registered as Kateya P.S. Case No.219 of 2024. It is further



submitted that the injuries as received by informant and others upon medical examination, found simple in nature.

7. In view of aforesaid, it is submitted as occurrence was free fight and nature of injuries is simple, it can be said safely that the appellants were not under intention to cause death of the injured. It is pointed out that even the allegation of physical assault is appearing very much general and omnibus in nature.

8. While arguing further, it is submitted that the face of FIR itself suggest that no abuse in caste name was made by the appellants, who are men of clean antecedent. It is submitted that nothing surfaced during the course of investigation, which may suggest that act of appellants can be said an atrocities within the meaning of Act as to cause present occurrence.

9. Learned counsel for the appellants 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]***.



10. Learned Special Public Prosecutor while opposing the prayer for bail submitted that the appellants were actively participated in assault of informant and others during the occurrence.

11. Despite of giving information as informed by learned Spl.P.P., none joined present proceeding on behalf of informant.

12. In view of aforesaid factual submissions and by taking note of fact as *prima facie* occurrence appears free fight in nature for which, earlier, a case was lodged by appellants' side, coupled with the fact that the injuries as alleged to be caused by appellants appear simple in nature *prima facie* negating the allegation *qua* intention to cause death, where the allegation of abuse in caste name also not appearing convincing, accordingly, all above-named, three appellants, in the event of their arrest or surrender before the court below within a period of four weeks from today, are directed to be released on bail on 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



Additional Session Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 220 of 2024, 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’).

13. Accordingly, the impugned order dated 13.11.2024 passed by the learned Additional Session Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 220 of 2024 is set aside.

14. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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