

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.737 of 2022

Arising Out of PS. Case No.-11 Year-2019 Thana- JAMALPUR District- Darbhanga

Ram Sharan Sah @ Ram Sharan Sahu S/O Late Niras Sahu Resident Of
Village- Kothram, P.S.- Jamalpur (Bargaon O.P.), District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rama Shankar Paswan, Police Sub-Insector, S.H.O. Bargaon, P.S.- Jamalpur
(Bargaon O.P.), District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Choudhary, Adv. Ms. Isha Anu, Adv. Mr. Kulanand Jha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 29-06-2026 Heard the parties.

2. Appellant may file affidavit of jointness *qua*

Raushan Kumar in terms of previous order.

3. In alternate, learned Spl.PP is directed to inform the informant /respondent no. 2 of this case through concerned SP/SHO as regard to present pending proceeding, positively by next date of hearing.

4. At this stage it is submitted by learned Spl.PP that informant is Sub Inspector of Bargaon O.P. of Jamalpur P.S., district- Darbhanga

5. Accordingly, learned Spl.PP accept notice on



behalf of the informant.

6. 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') against the order dated 17.12.2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Darbhanga, in connection with Jamalpur P.S. Case No. 11 of 2019 registered under Sections 341 323, 324, 333, 353, 504, 34 of IPC and Sections 3(i)(r)(s) of SC/ST (POA) Act.

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

8. As per FIR, the appellant alleged to assault informant during the course of occurrence and also to deter him to discharge his official duties when informant alongwith his police team arrived at the place of occurrence to pacify the issues between the parties including appellant, arising out of land disputes.

9. Learned counsel appearing for the appellant submitted that basically occurrence is of land dispute. It is pointed out that the informant came over to place of occurrence alongwith police team and insist to verify the



document and in connivance with the police, he implicated appellant and his family members with present false case. It is submitted that there is no abuse in caste name in public view, and therefore, no *prima-facie* case made out in view of SC/ST Act 1989 and also as alleged atrocities not committed within the meaning of the Act. It is submitted that this is the case indicating that how the provisions of SC/ST Act being misused by the state agencies as informant visited the place of occurrence in capacity of police officers and, therefore, any allegation regarding atrocities in terms of SC/ST Act, appears not appears convincing. It is also pointed out that during scuffle police received certain injuries which is of simple in nature, and moreover, allegation is very general and omnibus. Appellant claimed clean antecedent.

10. Learned Special P.P. while opposing the prayer of bail could not disputed the submission that the allegation of abuse is not available through the FIR, where occurrence alleged to be arising out of land dispute, where informant visited the place of occurrence in his official capacity being sub inspector.

11. In view of aforesaid factual submission and by



taking note of fact as presence of informant at the place of occurrence was in capacity of his official duty, where prima-facie allegation of abusing in caste name not appears available, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Darbhanga, in connection with Jamalpur P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. Accordingly, impugned order dated 17.12.2021 is hereby set aside/quashed.

13. Hence, appeal stands allowed.

14. Learned trial court is directed to expedite the trial at its earliest because the matter is pending since 2019.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

