

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42620 of 2014

Arising Out of PS.Case No. -422 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

1. Niranjan Paswan Son of Ram Chandra Paswan Resident of Village-
Abdalpur, P.S.-Warsaliganj, District-Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42674 of 2014

Arising Out of PS.Case No. -422 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

1. Manoj Sao @ Manoj Kr. Gupta @ Manoj Kr. Sao Son of Shiv Narayan
Sah Resident of Village - Sirgarpur, P.S. AND District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.42620 of 2014)

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Madan Kumar (App)

(In Cr.Misc. No.42674 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Ambika Bhagat(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 16-04-2015 Since both these applications arise out of complaint

case No. 422 C/2013 pending before learned Judicial Magistrate,

Ist class, Jamui, they are being disposed of by the present common

order.

The petitioners have been made accused in this case for

the offences punishable under sections 323, 408, 409, 420/34 of the Indian Penal Code and sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner Niranjan Paswan has submitted that no offence under section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out against him since he himself belongs to Scheduled Caste. He at the relevant point of time was Rozgar Sevak under MANERGA scheme. The petitioner of Cr. Misc. No. 42674/2014, Manoj Sao, is the Mukhiya of concerned Gram Panchayat.

As per allegation, a sum of Rs. 22000/- and odd was payable to complainant and his son for the work which they had done under MANREGA. Initially, the amount was not paid because of the paucity of fund but subsequently, it appears that, the said amount was deposited in their account but was not withdrawn by them and someone else had withdrawn the amount. It is the allegation that these petitioners connived in fraudulent withdrawal of the amount from the complainant's account.

Learned counsel for the petitioner appears to be right in his submission that the provision of section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 shall not be applicable in case of Niranjan Paswan as he

himself belonged to the said caste. Learned counsel for the petitioners have very fairly submitted that they will be sharing the loss allegedly caused to the complainant because of fraudulent withdrawal though they deny that they were part of fraudulent withdrawal, if any. They submit, on the basis of instructions from their client, that they will pay Rs. 11000/- each to the complainant within one month from today.

In view of nature of allegation and the stand taken on behalf of the petitioners, the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be released on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. C. Kumar, learned Judicial Magistrate, 1st Class, Jamui in Complaint case No. 422 C /2013, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure.

If the petitioners intend to deposit the said amount of Rs. 11000/- in the court, for the purpose of payment of complainant and his son, the same shall be accepted.

(Chakradhari Sharan Singh, J)

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