

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.768 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -PUSA District- SAMASTIPUR

Arvind Kumar, son of late Saryug Singh, resident of village- Indupur, P.S. Barahia, District Lakhisarai, presently posted as Headmaster in "Buniyad Abhyasshala Pusa" P.S. Pusa- Cum-Convner of Kasturba Gandhi Balika Vidyalay , Pusa, District Samastipur.

.... Appellant

Versus

The State of Bihar

.... Respondent

Appearance :

For the Appellant : Mr. Arun Kumar, Advocate.
For the State : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 20-10-2016

Learned counsel for the appellant seeks leave to make necessary correction in paragraph-8 of the memo of appeal.

Leave is granted.

Let the correction be made in course of the day.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

By way of the present appeal preferred under Section 14-A (2) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), the appellant has challenged the order dated 29.7.2016 passed by the learned 1st Additional Sessions judge-cum-Special Judge, S.C. & S.T. (P&A) Act, Samastipur, in connection with Pusa P.S. Case No.

43 of 2016 corresponding to G.R. No. 090 of 2016 registered for the offence punishable under Sections 341, 323, 447, 448, 354, 506 of the Indian Penal Code and Section 3 (1) (x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by the learned counsel for the appellant that the present appeal has been instituted to take revenge as the appellant being Headmaster, had made a complaint against the informant who is a Assistant Teacher before the District Programme Officer. It is also submitted that the appellant has been framed in the present appeal under conspiracy. As being Convenor of the school, he used to instruct the Assistant Teachers to attend the school in time and take classes. Being annoyed with the intervention of the appellant, false allegation has been made in the First Information Report that the appellant tried to outrage the modesty of the informant and abused her in her caste name. It is contended that the appellant has also instituted a case against the informant of the case being Pusa P.S. Case No. 44 of 2016 under Sections 341, 342, 323, 447, 448, 354 and 504/34 of the Indian Penal Code.

On the other hand, learned counsel for the State has submitted that the defence taken by the appellant is yet to be established during trial. So far as the case is concerned, there is allegation against the appellant that he misbehaved with the

informant of the case.

I have heard learned counsel for the parties and perused the materials available on record. Apparently, on 13.4.2016 two cases were instituted, one by the informant of the present case and the other by the appellant against the informant.

Considering the nature of allegation and the period of five months undergone by the appellant in custody, the impugned order dated 29.7.2016 passed by the learned 1st Additional Sessions judge-cum-Special Judge, S.C. & S.T. (P&A) Act, Samastipur, in connection with Pusa P.S. Case No. 43 of 2016 is set aside. The appellant named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, S.C. & S.T. (P & A) Act, in Pusa P.S. Case No. 43 of 2016, corresponding to G.R. No. 989 of 2016.

The appeal stands allowed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A
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