

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.836 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana -SC/ST PS District- DARBHANGA

1. Nagendra Yadav son of Sukhdeo Yadav Resident of Village- Nerala,
P.O.- Sonahan, P.S.- Keoti, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

2. Namrata Devi wife of Ram Prasad Ram resident of Village- Sonahan,
P.O.- Sonahan, P.S.- Keoti, District- Darbhanga, presently posted as Head
Mistress of Primary School Fakirna, P.S.- Keoti, District- Darbhanga.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Nawal Kishor Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 29-11-2016

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This appeal, under Section 14 (A) of the
Schedule Castes and Schedule Tribes (Prevention of
Atrocities) Amendment Act, 2015, has been preferred
against the order, dated 04.08.2016, passed by the learned
Sessions Judge, Darbhanga, whereby he has rejected the
appellant's application for grant of anticipatory bail.

The appellant is an accused of the offences
punishable under Sections 341, 323, 384, 354, 504, 427 of
the Indian Penal Code and Sections 3 (i) (x) and 3 (i) (xi)
of the Schedule Castes and Schedule Tribes (Prevention of
Atrocities) Act, in SC/ST (Darbhanga) Police Station Case

No. 07 of 2015.

The informant is said to be a teacher in a school. It is alleged that the appellant entered into the school office, demanded ransom of Rs. 50,000/- from her and on refusal, he abused her by taking her caste name. It is also alleged that the appellant torn the registers of the school.

Learned Counsel for the petitioner, referring to the allegations made in the First Information Report, has submitted that there is no allegation that the occurrence had taken place within the public view to make out a case under the various provisions of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act. He has submitted that the appellant has been implicated because he was raising objection against the irregularities being committed by the school officials in construction of the boundary wall of the school.

Considering the nature of accusation made in the First Information Report, I am of the, prima facie, view that no offence under the various provisions of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out in the absence of any allegation that the occurrence had taken place within the public view. Accordingly, there being no material to show that the appellant would have avoided the course of investigation or

trial, learned Court below ought to have considered his application for anticipatory bail accordingly.

In view of the above, this appeal is allowed. The order, dated 04.08.2016, passed by the learned Sessions Judge, Darbhanga, is hereby set aside.

Let the appellant, Nagendra Yadav, in the event of his arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, Darbhanga, in connection with SC/ST (Darbhanga) Police Station Case No. 07 of 2015.

This is subject to the condition that the appellant shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---