

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3016 of 2017

Arising Out of PS.Case No. -19 Year- 2015 Thana -SC/ST District- MUNGER

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1. Barun Kumar Son of Satyanarayan Mandal resident of Village- Vijay Nagar, P.S. Bariyarpur, District-Munger.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-11-2017 Heard the learned counsels for the appellant and the

Spl. P.P.

The appellant is aggrieved by the order dated 24.07.2017 passed by the learned 1st Additional Sessions Judge, Munger in connection with SC/ST P.S. Case No. 19/2015 instituted for the offences under Sections 341, 323, 353, 447, 427, 379 and 504 of the Indian Penal Code and Sections 3 (i)(x) of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the prayer for his being released on bail in anticipation of his arrest has been rejected.

Two students had fought in a class room over sitting space. Lalan Kumar, one of the students, reconciled. But the parents and other associates of Minti Kumari, another student



came to the school and assaulted the In-charge Principal. Though the F.I.R. contains the allegation against the appellant and others of abusing the Incharge Principal by taking his caste name, but from the tenor of the averments made in the F.I.R., it appears that the dispute was only with respect to sitting space between two students. No offence under any of the Sections of SC/ST Act can at all be said to have been made out. Those sections only appear to have been added so as to add colour and gravity to the offence.

Under similar circumstances, co-accused Gurudev Mandal has been granted anticipatory bail by a Bench of this Court vide order dated 18.03.2016 passed in Cr. Misc. No. 7607/2016.

Learned counsel for the appellant submits that the occurrence took place on 03.07.2015, whereas the F.I.R. was registered after a delay of a week, i.e. on 10.07.2015, without there being any plausible explanation for the same.

Considering the nature of accusation against the appellant and delay in lodging the F.I.R., the order impugned dated 24.07.2017 is set aside.

The appellant is directed to be released on bail in the event of his surrender/arrest, subject to his furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each



to the satisfaction of the learned Additional Sessions Judge Ist,
Munger in connection with SC/ST P.S. Case No. 19/2015.

(Ashutosh Kumar, J.)

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