

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3890 of 2018

Arising Out of PS. Case No.-354 Year-2017 Thana- MAJHAULIA District- West Champaran

Awnish Kumar Pandey son of Ajay Pandey, resident of Village- Birwa, P.S. Majhauria, District- West Champaran. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh, Adv

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 14-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 06.08.2018 in A.B.P. No.881 of 2018 arising out of Majhauria P.S.Case No.354 of 2017 passed by the learned Special Judge SC/ST, Bettiah, West Champaran in connection with Majhauria P.S.Case No. 354 of 2017 registered under Sections 341,323,504,506/34 of the Indian Penal Code and Sections 3(ii)(va) of the Scheduled Castes and Scheduled Tribes Act.

The informant is Headmaster of the school and allegation against the appellant is that he and others abused to the teachers of the school, who were members of the scheduled castes.

Submission is that in fact those teachers were involved in sexual harassment of the girl, who were studying in the school and for which they were put on



departmental proceeding and the informant was suspecting that at the instance of the appellant, departmental proceeding was initiated. Hence, false case has been lodged.

Considering the entire facts aforesaid, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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