

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1523 of 2018

Arising Out of PS.Case No. -65 Year- 2018 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

=====

1. Sanjeev Kumar, Son of Dular Chand Mahto, resident of Village - Bari Pahari,
P.S. - Laheri, District- Nalanda.

.... Appellant

Versus

1. The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 10.04.2018 in A.B.P. No. 05 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Nalanda at Bihar Sharif in Hilsa P.S. Case No. 65 of 2018 registered under Sections 420, 409, 120B of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

Submission of the learned counsel for the appellant is that it was responsibility of the informant i.e. the Block Agricultural Officer-cum-Assistant Godown In-charge, of maintaining the physical



stock in the godown as well as its record. To save his skin, the present false case has been lodged with allegation that, in fact, the key of the godown was handed over to the appellant who was Office Assistant and to one Vikash Kumar who was a 4G employee and bags of grain were found missing from the godown.

Submission is that there is no material to substantiate that under whose authority the informant handed over key to the appellant of such a public responsibility. Further submission is that considering the same material, the appellant was allowed bail in connection with Hilsa P.S. Case No. 68 of 2018 lodged by the higher authority in which the informant was also a co-accused

Learned Special Public Prosecutor has opposed the prayer for bail, however, does not dispute that there is no order either issued by the informant or his superior authority authorizing the appellant to take custody of the key etc. of the godown.

Considering the aforesaid fact, 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 bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the 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 as well as condition that the appellant shall fully cooperate with the investigation and 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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