

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2654 of 2018

Arising Out of PS.Case No. -19 Year- 2017 Thana -SC/ST District- KATIHAR

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1. Md. Farooque Ali, Son of Late Md. Hamid @ Abdul Hamid, resident of Village
– Harda, Police Station - Maranga, District - Purnea, At Present Posted as I/C
Headmaster, Utkramit Madhya Vidhyalay Khudna, Police Station - Rautara,
District - Katihar

.... Appellant

Versus

1. The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ratnakar Ambastha, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 15.05.2018 in A.B.P. No. 25 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Katihar in connection with Katihar SC/ST P.S. Case No. 19 of 2017 registered under Sections 354, 511, 323 of the Indian Penal Code as well as Sections 3(1)(3) of the SC/ST Act.

The present complaint petition was filed on 17.04.2017 with allegation that the appellant, who was Headmaster of the School, sexually harassed to the informant who was a cook



thereat. Prior to that, the appellant had complained to the Block Education Officer on 20.01.2017 regarding irregularity and indiscipline committed by the informant of this case vide Annexure-2 and Annexure-2/1, dated 01.04.2017 would reveal that even the attendance of the informant was unmarked by the appellant for the reason that the informant was absent without any information or permission.

Learned counsel for the informant opposed the prayer for bail on the ground that the appellant has got identical criminal antecedent disclosed in para 3 of the bail petition.

Considering the background of allegation which has been suppressed in the FIR, chances of *mala fide* prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail. Hence, 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/trial of the case, failing



which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.09.2018
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