

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2439 of 2018

Arising Out of PS.Case No. -289 Year- 2016 Thana -NOKHA District- SASARAM (ROHTAS)

=====

1. Shashi Bhushan Prasad, S/o Harihar Prasad, R/o Vill. - Nokha, Ward No. 2, P.S.
Nokha, District - Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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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: 12-09-2018

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 25.05.2018 in Registered Case No. 92 of 2017 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Nokha P.S. Case No. 289 of 2016 registered under Sections 323, 325, 341, 379, 504, 354 of the Indian Penal Code as well as Sections 3(i)(v) of the SC/ST Act.

The informant as well as the appellant are teachers in the same school. Both have lodged criminal cases against each other with allegation of commission of abuse and assault. The present FIR, also



bears identical allegation.

Submission of the learned counsel for the appellant is that the informant is in the habit of coming late to the school and whenever she was asked to maintain her behaviour, she threatened to teach lesson.

Learned counsel for the informant submits that this bail application is not maintainable for grant of anticipatory bail as the appellant is already on police bail.

The bail bond executed by the appellant before police does not bear any date and in spite of that by the impugned order prayer for anticipatory bail has been refused by the learned Special Judge, Rohtas, hence, apprehension of arrest even in the event of surrender is already there with the appellant.

Considering the entire facts of this case chances of mala fide prosecution cannot be completely ruled out, 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 within 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.
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