

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1375 of 2018

Arising Out of PS.Case No. -18 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

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1. Kunj Bihari Singh, Son of Sri Ramadhar Singh, Resident of Village+P.O.-
Chausa, P.S.- Chausa, P.S.- Buxar Mufassil, District- Buxar- 802114.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Chandra Shekhar Azad, Advocate

For the Respondent/s : Mrs. Usha Kumari No.I, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 20.02.2018 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram, in A.B.P. No.100 of 2018, arising out of SC/ST (Dehri) Police Station Case No.18 of 2017, registered under Sections 341/323/353/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Co-accused Asha Tiwari @ Asha Devi was assistant teacher in the school where the informant was in-charge Head Master. The appellant was also a teacher in the same school. Allegation is of



commission of abuse by taking caste name.

Submission of the learned counsel for the appellant is that in fact there is dispute between the two of holding chair of Principal as the appellant was senior to the informant and just to pressurize the false case has been lodged which would be evident from the previous incident recorded vide different annexures including the memo of appeal.

Learned counsel for the informant opposed the prayer on the ground that there is direct allegation against the appellant and charge sheet has already been submitted in this case.

Considering the entire backgrounds and the fact that co-accused Asha Tiwari @ Asha Devi has already been allowed anticipatory bail by this Court, 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 bonds of Rs.20,000/- (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.



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

(Birendra Kumar, J)

Mkr./-

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