

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2027 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- SC/ST District- Katihar

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Sunil Yadav @ Sunil Kumar, son of Brahamdeo Yadav, Resident of Village-
Tulasipur, Post- Jamania, Police Station- Karith, District- Bhagalpur, At
present In Charge Head Master Upgrade Madhya Vidyalaya Balathi,
Maheshpur Kurshela, Police Station- Kurshela, District- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sudha Devi, W/O Neeraj Rajak.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan Sinha, Advocate.
For the Respondent/s : Mr. Smt Usha Kumari No-1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 12-06-2018 Heard learned counsel for the appellant and the

learned Special P.P. for the State.

2. This criminal appeal, filed under Section 14(A)(2)
of the SC/ST (Prevention of Atrocities) Act, is preferred against
the order dated 21.04.2018 passed by the Ist Additional Sessions
Judge-cum-Special Judge, Katihar, by which and whereunder,
the prayer for pre-arrest bail of the appellant has been rejected in
connection with Katihar SC/ST P.S. Case No. 11 of 2018
registered under Sections 147, 323, 341, 354, 354(B), 379, 366,
120(B), 420 and 468 of the Indian Penal Code and Sections 3(1)
(r)(s)(w)(1) of the SC/ST Act.

3. The allegation of complainant/informant, Sudha



Devi, is that she was an employee as cook at Kasturba Girls Hostel-cum-Upgraded Middle School, Balthi, Maheshpur, in which, appellant, Sunil Kumar, was the Head Master In-charge. In that course, appellant caught hold her hand with bad intention and tried to develop physical relation with her. When she made protest then appellant became furious and caused injury through fist and slaps and also outrage her modesty. The appellant used to deposit cheque in her account as complainant has put thumb impression on the withdrawal form for withdrawing the money from the Bank. In that course, the appellant defalcated the money of Kasturba Girl Hostel by taking thumb impression of her. Thereafter, the appellant removed her from the post of cook in the Kasturba Girls Hostel-cum-Upgraded Middle School, Balthi, Maheshpur.

3. Learned counsel for the appellants submits that, admittedly, petitioner is the In-charge Head Master of Kasturba Girls Hostel-cum-Upgraded Middle School, Balthi, Maheshpur, where complainant-informant engaged as cook, but due to laches on the part of the informant in preparing the meal, appellant gave instruction to do the work in proper manner, but she did not improve her work and behaviour due to that reason she was removed from her service. Thereafter, complainant



lodged the Complaint Case No. 2696 of 2017 after eight months in the court of Chief Judicial Magistrate, Katihar, which is the basis of the present case.

4. In view of the aforesaid submission, the impugned order cannot be sustained in the eye of law. Accordingly, this criminal appeal is allowed and the impugned order dated 21.04.2018 passed by the Ist Additional Sessions Judge-cum-Special Judge, Katihar, is hereby set aside.

5. Having regard to the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge-cum-Special Judge, Katihar, in connection with Katihar SC/ST P.S. Case No. 11 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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