

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3752 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- BANIAPUR District- Saran

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Madan Mohan Mishra S/o Late Yogeshwar Mishra, R/o Vill.- Rayam Factory,
Pachadhi Asthan, P.S.- Kewati Runway, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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, against the refusal of prayer for anticipatory bail vide order dated 25.07.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No.2218 of 2018, arising out of Baniyapur Police Station Case No. 153 of 2018, registered under Sections 341/323/409/420/504/506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Allegation against the appellant is that he made wrong entry in the service book of the informant in the matter of absence/leave period. Secondary allegation is that the appellant was Headmaster of the School and even on several request he did not handover the charge of science laboratory to the informant.

Considering the nature of dispute and nature of allegation which give rise to some administrative action is certainly not a case of criminal proceeding for the purpose of this anticipatory bail, 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 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./-

AFR/NAFR	NAFR
CAV DATE	NA
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