

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.577 of 2018

Arising Out of PS.Case No. -317 Year- 2017 Thana -MAIRWA District- SIWAN

- =====
1. Pramod Yadav.
 2. Vidyanand Yadav @ Vidyanand. Both sons of Vir Choudhary, Resident of Village- Sevtapur, P.S.- Mairwa, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey

For the Respondent/s : Smt Usha Kumari No-1

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-03-2018

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 by the learned 1st Additional Sessions Judge, Siwan in Mairwa P.S. Case No. 317 of 2017 registered under Sections 353, 323, 504, 506 of the Indian Penal Code as well as Section 3(1)(x) of the SC/ST Act.

The informant claims to be In-charge Headmaster of the referred school. Allegation is that on 31.08.2017, the appellants came in inebriated condition and demanded money from the informant for taking wine. On refusal, abused by taking caste name.

Submission of the learned counsel for the appellants is that the informant is a Panchayat teacher appointed by producing forged matriculation certificate, hence, his appointment was cancelled



on 27.12.2016 by the Gram Panchayat vide Annexure-3 series. The wife of appellant no. 2, who was the Chairman of the Vidyalaya Shiksha Samiti, had recommended for next Headmaster which infuriated the informant and, as such, false FIR was lodged.

Considering the background of the allegation supported by documentary evidence, the veracity of the FIR appears to be doubtful for the purpose of this appeal, hence, let the appellants, above named, in the event of their 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/- (rupees twenty thousand) each 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 appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Impugned order is, accordingly, set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

