

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1323 of 2019

Arising Out of PS. Case No.-122 Year-2017 Thana- FULKAHA District- Araria

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DHRUV SAH @ DHRUV KUMAR SAH S/o Late Jhabri Sah R/o Mohalla-
Ward No. 4, Bhorhar, P.S.- Fulkaha, District- Araria

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sudhir Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

8 11-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 22.02.2019 passed by learned 1st Additional Sessions Judge, Araria in connection with Special (SC/ST) Case No. 297 of 2017, arising out of Fulkaha P.S. Case No. 122 of 2017 registered under Sections 341, 504, 506 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant happens to be a teacher. He is said to have



made survey of the flood affected area for grant of relief and obtained the passbook, Aadhar Card etc. of the informant for giving her flood relief. But on not getting the same when the informant arrived at the house of appellant to enquire about the matter, he slated her and misbehaved with her and made sexual advance and also tore her attire and demanded graft in lieu of granting aforesaid relief.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case because ward member of the area wanted to incorporate the name of some ineligible persons in the list of beneficiaries against which he made complaint to the District Magistrate on 22.9.2017 and being peeved up the said ward member has got the aforesaid case lodged through the informant to harass the appellant. Moreover, the husband of the informant has already received flood relief hence, she is not entitled for the same as only one member of the family deserves for such relief. Allegation of slating the informant in the name of her caste is said to have made inside the house of the appellant and there is no allegation of assaulting the informant against the appellant, hence no offence under Section SC/ST Act is made out against the appellant. He



has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Araria in connection with Special Case No. 297 of 2017, arising out of Fulkaha P.S. Case No. 122 of 2017, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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