

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3351 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- CIVIL LINE District- Gaya

1. KAPIL DEV PASWAN @ KAPIL PASWAN S/o Radha Paswan R/o village- Babhandi, P.S.- Amas, District- Gaya and presently posted as a prakhand Teacher in Middle School Mungrain, P.S.- Amas, District- Gaya
2. Satrudhan Prasad @ Shatrudhan Prasad S/o Jagdish Yadav @ Jagdish Yadav R/o village- Singhaul, P.S.- Belanganj, District- Gaya and presently Posted as a Prakhand Teacher in Middle School Singhaul, P.S.- Belanganj, District- Gaya
3. Rajesh Roushan @ Rajesh Roshan S/o Ramswaroop Vishwakarma @ Ramrup Vishwakarma R/o village- Karamdih, P.S.- Amas, District- Gaya and presently posted as an Prakhand Teacher in Middle School Sham Sherkhap, P.S.- Amas, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rama Kant Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 13-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 09.07.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Civil Line P.S. Case No. 132 of 2019 registered under Sections 323, 341, 504, 506, 427, 353 and 379/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

Appellants happen to be Prakhand Teachers.



Appellant no.2 Satrudhan Prasad is said to have slated the informant in the name of his caste and slapped him over not making payment of salary of president of Teachers Association by him. Appellant no.1 Kapil Dev Paswan tore the documents relating to election and appellant no.3 Rajesh Roushan slating him in the name of his caste dragged him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case merely because appellants and others had made complaint against the informant about irregularities, etc. committed by him in discharge of his duties. Following several complaints against the informant, enquiry was conducted against him and Inquiry Officer vide letter dated 11.03.2019 recommended for taking action against the informant and being peeved with the same, informant has lodged this false and frivolous case against the appellants. Appellant no.1 happens to be member of Scheduled Caste and appellant no.3 member of Scheduled Tribes. Hence no offence under SC/ST Act is made out against them. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Civil Line P.S. Case No. 132 of 2019, subject to the 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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