

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3498 of 2019**

Arising Out of PS. Case No.-23 Year-2018 Thana- SC/ST District- Bhojpur

Raj Kumar S/o Late Banarasi Prasad Employee as Physical Teacher, S.B.S.B.,
plus 02 Kasap High School, Bhojpur, resident of - Infront of N.I.T.
Engineering College, More, Thatheri Bazar, P.S.- Pirbahore, District- Patna
... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Mouar
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 22-08-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 03.05.2019 passed by learned 1st Additional
Sessions Judge, Bhojpur at Ara in connection with SC/ST Case
No. 23 of 2018 registered under Sections 323, 427, 504 & 506
of the Indian Penal Code and Section 3(1) (r) (s)/ 3 (2) (va) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant, who happens to be Physical Education
Teacher, is said to have slated the informant, who happens to be



Headmaster of S.B.S.B. +2 Vidyalaya Kasap, in the name of caste and slapped him on not allowing him to mark his attendance in the attendance register on coming late in the school.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case merely because his 20 months due salary was not paid by the informant, hence he has made complain to the Deputy Development Officer, Bhojpur, Ara on 19.04.2017 and a show cause notice was issued to the informant over not providing the salary to the appellant, *inter alia*, by the District Education Officer, Bhojpur, Ara on 11.05.2017 thereupon informant intimidated the appellant, regarding which he has given information to S.H.O., Udwanatnagar on 29.07.2018 and peeved with the same and to wreck vengeance the informant has filed this false and frivolous case against the appellant. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail 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, Bhojpur at Ara in connection with SC/ST Case No. 23 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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