

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3589 of 2019

Arising Out of PS. Case No.-166 Year-2015 Thana- PUPRI District- Sitamarhi

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1. HEMANT KUMAR SINGH Son of Jagat Narayan Singh Resident of Village - Sujatpur, P.S.- Madhwapur, District - Madhubani.
 2. Sunil Rai Son of Chhotkan Rai Resident of Village - Choraut, P.S.- Pupri, District - Sitamarhi.
 3. Manoj Rai @ Manoj Kumar Rai Son of Harish Chandra Rai Resident of Village - Choraut, P.S.- Pupri, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The present appeal has been filed for quashing the order dated 20.07.2019, passed by the learned court of 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Pupri PS case no. 166 of 2015 registered for the offences punishable under Sections 323, 341, 504, 379/34 of Indian Penal Code and 3(1)(X) of S.C./S.T. Act.

The allegation is regarding the petitioner no. 1 having arrived at the school in question where he had alleged that the informant had given sub-standard food to the children and had also informed the villagers that the informant was mixing poison in the



meal resulting in the villagers having arrived at the school and having engaged in creating commotion, whereafter the other accused persons including petitioners no. 2 and 3 had also arrived there. It is further alleged that the petitioner no. 1 had abused the informant by taking his caste name i.e. “*Dusadh*”.

The learned counsel for the petitioners submits that the petitioners are innocent and infact, nobody has witnessed the petitioner no. 1 to have abused the informant by taking his caste name. It is further submitted that the petitioners are having a clean antecedent.

The learned Spl.P.P. for the State has submitted that as far as petitioner no. 1 is concerned, case is definitely made out under the provisions of the SC & ST (POA) Act, however as far as the petitioners no. 2 and 3 are concerned, there is no allegation of having abused the informant by taking his caste name against them.

Having regard to the facts and circumstance of the case and considering the fact that there is specific allegation against the petitioner no. 1 of having abused the informant by taking his caste name as also considering the bar under Section 18A(2) of the SC & ST (POA) Act, I am not inclined to grant anticipatory bail to the petitioner no. 1, hence the petition for bail *qua* the petitioner no. 1 stands dismissed, however with liberty to the petitioner to surrender before the learned court below and seek regular bail.

Accordingly, petitioners no. 2 and 3, in the event of their



arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Pupri PS case no. 166 of 2015 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

The appeal stands allowed *qua* the petitioners no. 2 and 3, accordingly the order dated 20.07.2019, passed by the learned court of 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Pupri PS case no. 166 of 2015, *qua* the petitioners no. 2 and 3 stands quashed.

(Mohit Kumar Shah, J)

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