

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3902 of 2019**

Arising Out of PS. Case No.-13 Year-2014 Thana- SC/ST District- Darbhanga

SANJAY KUMAR JHA Son of Narendra Jha Resident of B.N. Jha Colony,
Ward No. 7 Madhubani, P.S.- Sadar Madhubani, District - Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Jha Raman
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 05-11-2019 Heard learned counsel for the appellant 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 29.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Darbhanga in Darbhanga P.S. Case No. 13 of 2014 registered under Sections 147, 341, 323, 447, 354, 332 and 384 of the Indian Penal Code and Section 3(1)(x)/3(1)(xi) of the SC/ST Act.

Five named accused persons including the appellant entering into the school of the informant where she is posted as Headmistress started slating her in the name of her caste and misbehaved with her. On protest made by the informant, they



slapped her and locked the school.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, wife of the appellant was Headmistress of the said school and she was illegally transferred from the said school and in her place informant was made the Headmistress by the local Mukhiya and B.E.O. in her collusion and regarding the same and other illegal activities and defalcation committed by the informant, villagers filed a petition before the District Programme Officer, Darbhanga and after investigation of the case and finding the case true, District Programme Officer suspended the informant. Being peeved with the same informant has lodged this false and frivolous case against the appellant to harass him. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Similarly situated co-accused namely Mahendra Sah has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.06.2019 passed in Cr. Appeal (SJ) No. 639 of 2019.

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 appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Darbhanga in connection with Darbhanga SC/ST P.S. Case No. 13 of 2014, 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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