

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4028 of 2019**

Arising Out of PS. Case No.-192 Year-2019 Thana- PAHARPUR District- East Champaran

ARJUN RAM Son of Late Nathuni Ram Resident of Village - Kanchhedwa,
P.S.- Harshidhi, Distt - East Champaran. At present Sevak, Bela Panchayat
(Ramgarhwa Block), P.S.- Ramgarhwa, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Adya Singh
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 26-09-2019 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 22.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 192 of 2019 registered under Sections 405 & 420/34 of the Indian Penal Code and Section 3(1) (r)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant being the Ward Member was to execute



Chief Minister Nal Jal Yojana for which the allotment has been made. Appellant and co-accused Dinesh Lal Srivastava convinced him to get the aforesaid work carried out by Om Trader and he gave a cheque of Rs.4 lacs to co-accused Dinesh Lal Srivastava in the name of Om Trader who after depositing the said cheque in the account of the said firm withdrew the same. Subsequently, Dinesh Lal Srivastava along with two other persons approached him and Dinesh Lal Srivastava received a cheque of Rs.2 lacs for carrying out the rest of the work in the name of Jagdamba Traders and Dinesh Lal Srivastava after depositing the cheque in the account of the said firm withdrew the same but he carried out work of only Rs.2 lacs and on demand of rest of the money by the informant all the three named accused persons including the appellant slating him in the name of caste assaulted him by means leg and sleeper.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He happens to be government employee and has been falsely implicated in the case merely because he is the Panchayat Secretary of the said Panchayat. He has neither received any cheque from the informant nor withdrew any amount. He is a member of scheduled caste, hence no offence under SC/ST Act



is made out against him. There is no allegation of giving any money to the appellant by the informant. There is abnormal delay of 19 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. He 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 cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 192 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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