

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1535 of 2020

Arising Out of PS. Case No.-59 Year-2018 Thana- SC/ST District- Darbhanga

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BABU SAHEB SINGH S/o Late Bhola Mandal Resident of Village-Inai, P.S.-
Baheri, District-Darbhangha, At present working as Incharge Head Master,
Primary School, Chakraipur, Baheri, P.S.-Baheri, District-Darbhangha.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shambhu Nath Jha, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-09-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceedings.

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 17.06.2020 passed by learned 1st Additional
Sessions Judge cum Special Judge (POA Act), Darbhanga in
connection with Darbhanga SC/ST P.S. Case No. 59 of 2017
registered under Sections 120B, 323, 379, 386, 427 of the Indian
Penal Code and Sections 3(1) (r)/3 (1) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegation is that the appellant with the help of other accused persons assaulted and abused the informant by saying his caste name and throw betel spit on his body, who is in-charge Principal of Chakraipur Baheri School. It is also alleged that all the accused persons assaulted the informant by fists and slaps and took away some document from the office of school and snatched Rs. 2000/- forcibly.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence and has been falsely implicated in this case due to previous enmity. He submits that as a matter of fact informant was the Head Master of Primary School Chakraipur where appellant was working a teacher and he was the senior to the informant and informant was headmaster. He submits that BEO, Baheri directed the informant to hand over the charge of school to the appellant. When informant disobeying the order then again BEO, Baheri issued a letter no. 173 dated 23.03.2017 and 188 dated 27.03.2017 in the name of informant to comply the same and stopped financial power of the informant Thereafter BEO, Baheri ordered to BEO to filed criminal case against the informant and Baheri P.S. Case No. 177/17 has been registered against the informant and informant has been suspended from



his duty. So the informant filed this case to put pressure upon that case.

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 enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (POA Act), Darbhanga in connection with Darbhanga SC/ST P.S. Case No.59 of 2017, 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.

(Anjani Kumar Sharan, J)

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