

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5336 of 2019

Arising Out of PS. Case No.-242 Year-2019 Thana- TAJPUR District- Samastipur

BABLU THAKUR @ SUSHIL KUMAR, aged about 30 years, Male, Son of Sri Raghunath Thakur, Resident of Village - Benuaa (Venua), P.O.- Songar, P.S.- Tajpur, District- Samastipur ... Appellant

Versus

THE STATE OF BIHAR ... Respondent

Appearance :

For the Appellant : M/s Manish Kumar No 13 & Rohit Kumar, Advs.
For the Respondent : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 21-01-2020 Heard learned counsel for the appellant and learned Additional Public Prosecutor for the state.

The appellant seeks pre-arrest bail in connection with Tajpur P.S. Case No. 242 of 2019, registered under Sections 323, 341, 354D, 504 and 506 of the Indian Penal Code and 3(1)(r), 3(1)(s) and 3(1)(w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The accusation is that Sanjay Thakur and Bablu Thakur (appellant) came at Aagan Bari Center No. 41, situated in village Benua, where the informant, Anita Devi, being the Aagan Bari Sahayika, was present on 01.08.2019 and started to abuse. On previous day, both had come and made query about admission of a girl, but, informant refused for admission saying that the age of the girl is more than the required age of the child. At that time, both started to scuffle in which they torn her blouse and also assaulted the children of the Center and moved from there giving threatening of dire consequences.

In fact, appellant, along with Sanjay Thakur, had gone at the



Center for admission of his daughter, but, the informant, Anita Devi, being the Aagan Bari Sahayika, refused to take admission of the daughter of the appellant, thereafter, gave an application before the Mukhiya, Gram Panchayat, Nikaspur, then, the daughter of the appellant, namely, Sakchi Kumari, was admitted at Center no. 41 and she is regularly attending the class, which would appear from the attendance register of the month of November, 2019 (Annexure 4 to the supplementary affidavit), but, due to ulterior motive, the informant lodged the present case. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the appellant, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Tajpur P.S. Case No. 242 of 2019 shall 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 Additional Sessions Judge, I, Samastipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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