

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5303 of 2019

Arising Out of PS. Case No.-229 Year-2014 Thana- NATHNAGAR District- Bhagalpur

RAJEEV KUMAR, Son of Late Diwakar Yadav Resident of Village -
Kolgama, P.S.- Sultanganj, District - Bhagalpur, presently posted as
Headmaster, Middle School, Gosaidaspur, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 15.11.2019 by the learned ^{3rd} Addl. District and Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in A.B.A. No. 2314 of 2019, arising out of Nathnagar P.S. Case No. 229 of 2014 registered under Sections 341, 323, 504 of the Indian Penal Code and Sections 3(1)(x), 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant is principal of the school where son of the complainant was a student. Allegation is that the appellant asked



to the son of the complainant to sweep in the school. After cleaning of the school by the son of the informant, appellant called him in his chamber and abused by taking caste name. When the complainant went to make complaint, he was also abused by the appellant.

The son of the complainant namely Mithilesh Kumar has disclosed a different story before the police as per his statement recorded in Para-4 of the case diary.

Considering the statement of the son of the informant, the appellant deserves protection of law, to prevent miscarriage of justice, hence let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the



investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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