

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5547 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- SC/ST District- Lakhisarai

SANJIV KUMAR Son of Maheshwar Sharma Resident of Village- Walipur,
P.S.- Pipariya in the District of Lakhisarai.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant	:	Mr. Sunil Kumar, Advocate.
For the State	:	Mr. Binay Krishna, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 09-01-2020

Let the supplementary affidavit filed on behalf of
the appellant be kept on the record.

2. Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

3. This appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act is directed against the order dated 8.11.2019
passed in A.B.P. No.764 of 2019, whereby and whereunder the
Additional Sessions Judge-I, Lakhisarai, rejected the prayer of
the appellant to grant the privilege of pre-arrest bail in
connection with Lakhisarai SC/ST P.S. Case No.27 of 2019
registered under Sections 341, 323, 353, 504 and 506 of the
Indian Penal Code and Sections 3(1) (r)(s) of the SC/ST (POA)



Act.

4. The prosecution case, in brief, is that the informant Ramesh Paswan being the District Programme Officer, Establishment Education Department, Lakhisarai, was present in his office on 29.08.2019 and was discharging his official duty. In the meantime, Sanjiv Kumar (appellant) being the Incharge Headmaster of the Middle School, Ramnagar Pipariya, Lakhisarai, entered into the office of the informant without taking permission and started to abuse the informant denoting him 'Dusadh, Chamar and Harijan, saying that why he had gone to the school for inspection. When the informant made protest, then the appellant slapped him. On interference of the other officials, the matter was tried to be pacified but, in the meantime, the appellant took out the pistol and asked to shot fire at the informant. The cause of the occurrence is that on 29.08.2019, the informant had gone for inspection of the school of the appellant in respect of the allotment of the fund given to the school but the appellant was found absent. While 7 teachers were posted in the school but only one teacher, namely, Manoj Kumar was present there, who on demand of the records informed the informant that the record has been kept by the appellant in the Almira and he also disclosed that due to terror



of the appellant, they are afraid of him and the informant came to know that the appellant used to misbehave with the girls of the Scheduled Castes.

5. Learned counsel for the appellant submits that, in fact, the appellant had gone to the bank after giving information to Manoj Kumar, who was teacher in his school, for getting the entry into the pass-book in relation to the funds allocated to the school for the Mid-day Meal and re-assessed account. When the appellant returned from the Bank, then he came to know from Manoj Kumar that he was called by the informant. Thereafter, the appellant along with Manoj Kumar went to the office of the informant, where the informant started to put undue pressured upon the appellant making demand of Rs.20,000/-, saying that there is irregularity in maintenance of the account of the Mid-day Meal, then the appellant made protest. Due to that reason, the informant has lodged the present case. Further submission is that against the informant and his associates, one Nikhat Parveen, Incharge Headmistress of Urdu Primary School Nandnama, Ramgarh Chowk (Lakhisarai) lodged Halsi (Ramgarh Chowk) P.S. Case No.11 of 2019 on 13.01.2019 under Sections 341, 323, 354(A)(B) and 385/34 of the Indian Penal Code.



6. Having considered the facts and the circumstances of the case, the impugned order dated 08.11.2019 is set aside and this appeal is allowed.

7. Let the appellant, above named, in the event of arrest or surrender within six weeks from today, be enlarged 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, Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case No.27 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2020.
Transmission Date	10.01.2020.

