

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1204 of 2021

Arising Out of PS. Case No.-203 Year-2015 Thana- MAJORGANJ District- Sitamarhi

1. Niranjan Prasad Sinha S/O Bishundeo Narayan Prasad The Then Head Clerk, Office Of Child Development Project Officer, Majorganj, District-Sitamahi, R/O Village-Dhawahi, Near Shiv Mandir, Ward No.15, P.O-Dhawahi Bazar, P.S-Harsid Hi, District-East Champaran At Motihari, Pin Code-845422 (BIHAR)
2. Akhilesh Kumar S/O Nandlal Pandey The Then Child Development Project Officer, Majorganj, District-Sitamari, R/O Village-Bishunpur Shiv Narayan, P.S-Muzaffarpur, District-Muzaffarpur (BIHAR).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 420, 467, 478, 120(B) of the Indian Penal Code and Sections 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the complainant



applied for Aanganwari Sevika but the appellants appointed some one else for the said post by committing forgery and the appellants also abused the informant and her husband by taking caste name

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is no allegation of assault against the appellants. The present case has been instituted on the basis of complaint, which was later on referred under Section 156(3) of Cr.P.C. The allegation as made in the said complaint case is denied by the appellants. The alleged occurrence is said to have taken place on 21.12.2014 and the complaint case was filed on 21.07.2015 i.e. approximately after a period of six months. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 21.10.2020, passed by the learned 1st Additional



Sessions Judge, Sitamarhi vide A.B.P. No.1299 of 2020/166 of 2020 in connection with Majorganj P.S. case No.203 of 2015, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 1st Additional Sessions Judge, Sitamarhi in connection with Majorganj P.S. case No.203 of 2015.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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