

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.481 of 2020

Arising Out of PS. Case No.-8 Year-2018 Thana- LAKHISARAI District- Lakhisarai

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SANJEET KUMAR S/o Sri Ram Balak Singh Resident of Karyanand, Near-
Power Station, Ward No. 08, Lakhisarai, P.S.- Lakhisarai, Distt.- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 23-03-2021

Heard both sides.

The appellant filed this appeal under Section 14(1) (2) of the S.C./S.T. Act against the order dated 21.12.2019 passed by learned Additional Sessions Judge I-cum-Special Judge, Lakhisarai by which the anticipatory bail of the appellant has been rejected in Lakhisarai P.S. Case No.8 of 2018 registered under Sections 506, 353, 504, 448, 34 of the Indian Penal Code and under Section 3(2)(va) of the S.C./S.T.(POA) Act.

The informant is the Executive Engineer, Electric Supply Division, Lakhisarai. The informant alleged that Sanjeet Kumar, proprietor of M/S Janki Electricals Private Limited came to the storeroom of the Electric Supply Division, Lakhisarai at 10.15 A.M. on 05.01.2018. The informant further



alleged that the appellant misbehaved and ill behaved with the Assistant Storekeeper namely, Pankaj Kumar. The appellant also threatened to implicate the Assistant Storekeeper by removing the transformer. It is further alleged that thereafter the appellant came to the office of Assistant Electrical Engineer(Supply), Sub-Division, Lakhisarai and also threatened Nitesh Kumar, the Assistant Electrical Engineer(Supply). It is further alleged that appellant put hindrance in discharge of official duty.

The learned counsel for the appellant submits that appellant is supplier of different electric appliances to the department and some dispute arose for payment of the supply articles. It is further submitted that police after investigation found the accusation against the appellant false. It is a case in which the public officer, who failed to discharge public functions and duties satisfactorily to the customers and when the irregularities and illegalities are brought to the notice of such public officer, such public officer used to lodge the case taking recourse to the S.C./S.T. Act and, therefore, the appellant deserves anticipatory bail.

Mr. Sadanand Paswan, learned Special P.P. submits that of course on bare perusal of the F.I.R., it appears that appellant went to the office and said to have misbehaved and



abused the Assistant Storekeeper but police after investigation submitted final form. Thereafter, the Special Judge took cognizance on the basis of the material available on record. The appellant has moved this Court for grant of anticipatory bail after cognizance, therefore, the anticipatory bail is not maintainable in view of law laid down in Bacchu Das case.

Having considered the submissions of both sides and on perusal of the record, I find that informant is Executive Engineer, Electric Supply Division and he disclosed that the appellant entered into the store of the Electric Supply Division and misbehaved and abused the Assistant Storekeeper and the Assistant Electrical Engineer(Supply), Sub-Division, Lakhisarai but on the face of it, it appears that appellant is a contractor. The Executive Engineer rescinded the contract of the appellant against which the appellant represented before the Superintending Engineer. The Superintending Engineer cancelled the order of the Executive Engineer restoring the contract of the appellant. The dispute arose when the appellant went to complain about the illegal acts alleged to have been done by the informant and his subordinates. Once the public officer is discharging public duty, he is bound to hear the grievances of the public and on such facts, the public officer



cannot complain that he belongs to the Schedule Caste and he has been misbehaved. It appears that informant is not a member of the Schedule Caste. The Assistant Storekeeper did not make any statement before the investigating officer and this fact itself shows the falsity of the allegation made by the informant. The police after investigation submitted final form. Thus, I find that appellant deserves anticipatory bail.

Taking into consideration the facts aforesaid, the appeal is allowed, the order dated 21.12.2019 is set aside and let the appellant, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, Lakhisarai in connection with Lakhisarai P.S. Case No.8 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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