

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.520 of 2020**

Arising Out of PS. Case No.-25 Year-2019 Thana- KAJRA District- Lakhisarai

SANJIV KUMAR Son of Late Ramananad Prasad Singh, Resident of Village - Pokhrama, P.S.-Kajara, District- Lakhisarai, Presently posted as Ex-Incharge Head Master, Upgraded Middle School Pokhrama, P.S.- Kajara, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Raju

For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 24-02-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 14.01.2020 passed by the learned Special Judge, Lakhisarai by which the learned Special Judge rejected the prayer for anticipatory bail of the appellant in Kajra P.S. Case No.25 of 2019 registered under Sections 341, 323, 427, 504, 506 of the I.P.C. and under Section 3(i)(r)(s) of the SC/ST (POA) Act corresponding to SC/ST Case No.30 of 2019.

Learned counsel for the appellant submits that on the face of it, it appears that the appellant is the former in-charge headmaster of the school and the informant is the present in-charge headmaster of the school. There was some dispute



between the two in-charge headmasters and on account of which the present case has been lodged misusing the provisions of SC/ST Act. The appellant went to the school only to place his grievance before the in-charge headmaster but the in-charge headmaster made allegation of tearing the attendance register and abusing him.

Learned Special P.P., however, opposed the prayer for anticipatory bail and submits that cognizance has already been taken under different sections of the SC/ST (POA) Act. Therefore, the anticipatory bail petition is not maintainable.

Having heard the submissions of both sides and on perusal of the F.I.R., it appears that the appellant is the former in-charge headmaster of the school and the present in-charge headmaster of the school lodged the case making allegation of abusing him and tearing the attendance register. There appears on the face of it that some dispute arose between the two in-charge headmasters of the school and for that the case has been lodged.

Taking into consideration the facts aforesaid, the appellant, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is



directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, Lakhisarai in connection with Kajra P.S. Case No.25 of 2019 corresponding to SC/ST Case No.30 of 2019.

Accordingly, the order dated 14.01.2020 is set aside. The appeal is allowed.

(Prabhat Kumar Jha, J)

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