

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2392 of 2021

Arising Out of PS. Case No.-9 Year-2013 Thana- SC/ST District- Munger

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1. DAYA DEVI, W/O RAMPRAVESH YADAV RESIDENT OF VILLAGE BHANDAR TETIA BUMBER, P.S. HAVELI KHARAGPUR, DISTRICT MUNGER
 2. RAMPRAVESH YADAV, S/O MAHAVIR YADAV RESIDENT OF VILLAGE BHANDAR TETIA BUMBER, P.S. HAVELI KHARAGPUR, DISTRICT MUNGER
 3. CHANDESHWARI YADAV, @ CHANDESHWARI DEVI S/O PARMESHWAR YADAV RESIDENT OF VILLAGE BHANDAR TETIA BUMBER, P.S. HAVELI KHARAGPUR, DISTRICT MUNGER
 4. RAJDEO YADAV, S/O LATE TEJNARAYAN YADAV RESIDENT OF VILLAGE BHANDAR TETIA BUMBER, P.S. HAVELI KHARAGPUR, DISTRICT MUNGER
 5. RASIK YADAV, S/O CHANDRADEO YADAV R/O GANGTA DARIYAPUR, P.S.-HAVELI KHARAGPUR, DISTRICT-MUNGER.
 6. MANOJ YADAV, S/O LATE ADHIK YADAV R/O BHANDAR, TETIA BAMBAR, P.S.-HAVELI KHARAGPUR, DISTRICT-MUNGER.
 7. PANCHLAL MISTRI @ PANCHALAL PRASAD SINGH, S/O SURAT BIND R/O BHALGURI, HAVELI KHARAGPUR, DISTRICT-MUNGER.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shree Niwas Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-09-2021 Heard Mr. Arjun Prasad., learned Advocate for

the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

22.02.2020, passed by the learned Additional Sessions



Judge – I, Munger, in A.B.P. No. 204 of 2020, arising out of SC/ST P. S. Case No. 09 of 2013, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 419, 420, 385, 504 and 34 of the Indian Penal Code and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. which has been lodged on the basis of a complaint is that the amount which was sanctioned for the construction of the school building was misutilized and no construction was done by the accused persons including the appellants. There is a further accusation that under force and coerce, two cheques of the amount of Rs. 30,000/- and odd was forcibly taken by the accused persons which amount has been embezzled.

The aforesaid complaint has been lodged by the Headmaster of the school.



It has been pointed out that the appellant no. 1 is the Secretary of the school whereas appellant no. 2 is the husband of appellant no. 1. The appellant nos. 6 is the Chairman of the school whereas appellant no. 7 is a meson. The persons who had supplied cement and iron rod for the purposes of construction have also been made accused in this case without there being any basis.

It has further been submitted that the accusation is only for the purposes of maligning the appellant no. 1.

The informant of this case has also been made accused in a case *vide* Sangrampur (Tetia Bumbar) P. S. Case No. 87 of 2014 lodged by Block Education Officer, Tetia Bumbar (Munger) with the allegation of defalcation of government money which was sanctioned for construction of school building.

The informant had earlier also filed a case against the husband of appellant no. 1 under the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 without there being any reason for the same.

These arguments have been advanced on behalf of the appellants only to demonstrate that the informant is in the habit of lodging such cases by taking advantage of his being a person of SC/ST community. Nothing in the F.I.R. indicates anything to bring home the mischief of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The nature of accusation with respect to embezzlement of fund is also very vague.

Regard being had to the afore-stated facts, the order dated 22.02.2020, passed by the learned Additional Sessions Judge – I, Munger, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of



this order, on their furnishing bail bonds in the sum of
Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
Additional Sessions Judge – I, Munger, in connection
with SC/ST P. S. Case No. 09 of 2013, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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