

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.801 of 2022

Arising Out of PS. Case No.-43 Year-2013 Thana- KATRA District- Muzaffarpur

Krishnandan Sahni Son of Late Devnandan Sahni Resident of Village -
Kamalpura, P.s.- Kudhani, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Narendra Kumar Arya, the Distt. Welfare Officer, Muzaffarpur. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Zainul Abedin
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant.

No one appears on behalf of the State.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST Act) preferred against the order dated 05.01.2022 passed by the learned Additional Sessions Judge -III, Muzaffarpur cum Special Judge SC/ST Act in connection with Katra P.S.Case No. 43 of 2013, instituted for the offence under Sections 409, 419, 467, 468, 120B of the Indian Penal Code and section 3(i)(x) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that the



appellant , who happens to be Panchayat Secretary and Nutun Devi, Mukhiya at Bari Panchayat allegedly misappropriated the funds which were made available to the SC/ST candidates.

Learned counsel appearing on behalf of the appellant submits that from the FIR it is evident that the entire allegation revolves around the Mukhiya of the Panchayat, who was allegedly authorized to distribute the funds and the same has not been distributed. It is further submitted that petitioner join the post on 02.12.2010, However, he was handed over the charge of the post in the year 2012. It is next submitted that the accused Nutun Devi, who was the then Mukhiya of Bari Panchayat and the entire allegation revolves around the Mukhiya, she has been granted bail in Cr. Appeal No. 588 of 2018 vide order dated 20.04.2018 copy of which has been annexed as Annexure-2 to the memo of appeal. It is also submitted that the appellant is in custody since 17.12.2021, though the investigation has already been concluded and charge sheet has been submitted.

Considering the submission made on behalf of the appellant and taking into consideration the fact that Mukhiya of the concerned Panchayat against whom, there is specific allegation has already been granted bail by the Hon'ble Court and this petitioner is in custody since 17.12.2021 having fair



antecedent, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III Special Judge SC/ST Muzaffarpur in connection with Katra P.S.Case No. 43 of 2013.

Accordingly, the impugned order dated 05.01.2022 is set aside and the appeal is hereby, allowed.

(Harish Kumar, J.)

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