

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1968 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- BELAGANJ District- Gaya

Dhananjay Kumar S/O Late Janardan Sharma R/O 26- Vishal Kunj Apartment
Kazipur Road No.4, P.S.- Kadamkuan, District- Patna Bihar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Siaram Chaudhary Village-Akal Bigha, P.O. and P.S.-Belaganj, District-
Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

6 17-11-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 06.04.2022 passed by learned Exclusive Special Judge, SC/St, Gaya in connection with Belaganj P.S. Case No. 79 of 2022 instituted for the offences punishable under Sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2) (v-a) of the SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on anticipatory bail has been rejected.

The prosecution case as per F.I.R is that when



the informant, on instruction of the department, went to inspect the school of the appellant, the appellant being headmaster of the school has not answered the queries made by the informant and abused him by calling his caste name.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case since the appellant had prepared the list of teachers, on the direction of the District Programme Officer Establishment, Gaya to those teachers who had withdrawn excess amount of salary than they are entitled in which, the name of the informant also figured at serial No. 19. Moreover, as per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



06.04.2022 passed by learned Exclusive Special Judge,
SC/St, Gaya in connection with Belaganj P.S. Case No.
79 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be
released on bail in the event of his arrest or surrender
within a period of four weeks from today and on his
furnishing bail bonds of Rs. 10,000/-(ten thousand)
with two sureties of the like amount each to the
satisfaction of learned Exclusive Special Judge, SC/St,
Gaya in connection with Belaganj P.S. Case No. 79 of
2022.

(Sunil Kumar Panwar, J)

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