

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3998 of 2021**

Arising Out of PS. Case No.-9 Year-2020 Thana- SC/ST District- Darbhanga

DR. MANISH KUMAR @ MANISH KUMAR S/o JANARDAN PRASAD  
SUDHANSHU Resident of Village- Dilbarpur, Post- Milkichak, P.S.-  
Bahadurpur, District- Darbhanga, at present posted as Principal, Government  
OBC Girls Residential plus 2 School, Darbhanga.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ajay Kumar S/O Sri Yugul Ram Resident of village- Ekdara, P.S.- Khajauli,  
District- Madhubani, at present posted as Block Welfare Officer- Jale-cum  
Hostel Superintendent of Govt. D.B.C Girls Residential Plus 2 School,  
Darbhanga- OPP. No-2

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Gopal Jha  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

5      22-09-2022                      The learned counsel for the appellant is directed to  
  
remove all the defects pointed out by the office within one  
  
month.

Heard learned counsel for the appellant as well as the  
  
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the  
  
appellant under Section 14 (A) (2) of the Scheduled Castes and  
  
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting  
  
aside the order dated 08.03.2021 passed by the                      learned 1<sup>st</sup>  
  
Additional Sessions Judge-cum-Special Judge (POA) Act,



Darbhanga registered for offence punishable under sections 323, 341, 353, 384, 504 and 506/34 of the Indian Penal Code and sections 3 (1) (r), 3(1) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

The informant is Superintendent of Hostel and the appellant is Principal of that school.

As per allegation, when the informant protested against unauthorized occupation of the hostel by some students, the appellant threatened him to face dire consequence. He also abused him and demanded *Rangdari*.

The learned counsel for the appellant has submitted that the FIR shows itself that the informant is superintendent of the hostel and the petitioner is Principal. By filing Annexure-4, the learned counsel for the appellant has submitted that the girls inmates of the hostel have made complaint against the informant. He has submitted that as per rules any outsider cannot visit the girl's hostel without prior permission of the D.M. or the District Welfare Officer. The petitioner by violating rules permitted media persons to visit the hostel and a show cause notice has been issued against him, copy whereof is at annexure-3.

It appears that the occurrence has not taken place



due to malicious feeling of caste. The girls of the hostel have made complaint against the informant.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 08.03.2021 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 09 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

Nirmal/Mahesh

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