

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.692 of 2021**

Arising Out of PS. Case No.-203 Year-2015 Thana- MAJORGANJ District- Sitamarhi

SANJAY KUMAR SON OF BIRODHI RAM RESIDENT OF VILLAGE-
CHANWAKH PACH POKHARI, P.S- KUDRA(KUNDRA), DIST-
KAIMUR(BHABHUA) THEN IN CHARGE C.D.P.O. MAJORGANJ P.S-
MAJORGANJ, DIST- SITAMARHI.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sundari Devi Lakshman Baitha Village-Ratanpur,P.S-Majorganj,District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Ms.Usha Kumari No.1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 07-09-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 21.10.2020 in A.B.P. No. 1299 of 2020/166 of 2020 passed by the learned 1st Additional Sessions Judge, Sitamarhi in connection with Majorganj P.S. Case No. 203 of 2015 registered for the offences punishable under Sections 420, 467, 468 and 120(B) of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



Learned counsel for the appellant submits that the informant despite service of notice by the appellant has chosen not to appear through a learned lawyer.

It is next submitted that complaint based F.I.R. would reveal that the informant has alleged that despite having qualification she was not appointed as Anganwadi Sevika rather after accepting bribe, Usha Kumari was appointed as Anganwadi Sevika in collusion with other co-accused persons including the appellant, it is next alleged that the allegation is of hurling abuses to the informant by the appellant and other co-accused persons.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent, he is a government servant and has been falsely implicated in the present case, it is next submitted that from perusal of the allegations also, *prima-facie* no offence under the S.C./S.T. Act is made out as the F.I.R. does not disclose that what kind of abuse was hurled on the informant by the appellant. Learned counsel further submits that Usha Kumari has been granted anticipatory bail vide order dated 18.12.2018 in Cr. Appeal (SJ) No. 4083 of 2018.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.



In view of the submissions made by the learned counsel for the appellant, the order dated 21.10.2020 in A.B.P. No. 1299 of 2020/166 of 2020 passed by the learned 1st Additional Sessions Judge, Sitamarhi in connection with Majorganj P.S. Case No. 203 of 2015 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majorganj P.S. Case No. 203 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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