

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5654 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- MOUZAHAIDPUR District- Bhagalpur

Sanjay Kumar Son Of Jagdish Sharma Resident Of Village- Harish Chandra
Nagar, Ps- Shastrinagar, Dist- Patna At Present Dist- Office, Bhagalpur
... .. Appellant/s

Versus

1. The State of Bihar
2. Shobhanath Das @ Shobhnath Das Son Of Late Hari Das Resident Of
Village- Gurhatta, Chowk, Ps- Mojahidpur, Distt- Bhagalpur
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-07-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. This appeal has been filed for setting aside order dated 13.12.2023 passed by the Addl. District & Session Judge-III-cum-Special Judge (SC/ST), Bhagalpur in a case wherein cognizance has been taken for the offence punishable under sections 162, 163, 420, 323, 504, 506, 304(B) of the Indian Penal Code and Section 3/10 of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per prosecution case, it is alleged that on 26.05.2022, when appellant came out of his office, the complainant requested for his salary because his mother was suffering from disease and thereafter, this appellant abused him



by caste name and attacked with his shoes. It is further alleged that on 28.05.2022, the complainant got information from Daily Jagran newspaper that his services has been terminated and on hearing the news of termination, mother of the complainant died due to heart attack.

4. It is submitted by learned counsel appearing on behalf of the appellant submits that the informant joined service as a Teacher on the basis of false and forged certificate. Hence, on 09.10.2009 vide letter No. 1302, his appointment was cancelled. It is further submitted that the informant was again appointed as a Teacher on 03.04.2012 vide Letter No. 253 and again on 25.06.2012 vide Letter No. 353 his services were terminated. However, again on 12.01.2015, the informant was appointed as a Teacher on the basis of forged documents and thereafter, this appellant, being the District Education Officer, has taken action against the informant and has also communicated the matter to the Chief Minister of Bihar and SC & ST Commission, Patna, and being infuriated with the same, this false and concocted case has been lodged. No case under Section 304B of the Indian Penal Code is made out against this appellant. Appellant cannot be held responsible for the death of mother of the informant on the ground that some administrative



action has been taken by the appellant against the informant. It is further submitted that the F.I.R. has been lodged after delay of 2 months and 19 days and there is no explanation for the same. It is further submitted that it is not the case of the prosecution that there was any member of public at the time of incidence, hence, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 13.12.2023 passed by the Addl. District & Session Judge-III-cum-Special Judge (SC/ST), Bhagalpur, in A.B.P. No. 2890/2023, arising out of Mojahidpur P.S. Case No. 358/2022 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



order dated 13.12.2023 passed by the Addl. District & Session Judge-III-cum-Special Judge (SC/ST), Bhagalpur, in A.B.P. No. 2890/2023, arising out of Mojahidpur P.S. Case No. 358/2022.

(Prabhat Kumar Singh, J)

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