

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2991 of 2024**

Arising Out of PS. Case No.-9 Year-2013 Thana- SC/ST District- Munger

Manish Yadav @ Manish Kapri Son of Pokil Kapri @ Wakil Kapri R/O Vill.- Mohanpur,
P.S.- Khargpur, Dist.- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Budhdeo Das Son of Late Bulu Das At Present Headmaster, Middle School, Bhandar Tetia Bumber, P.O.- Tetia Bumber, P.S.- Kharagpur, Dist.- Munger. Permanent R/O Vill.- Rampur Garib Nagar, P.O.- Jamalpur, P.S.- Jamalpur, Dist.- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghav Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant, learned counsel for respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for anticipatory bail vide order dated 27.04.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Court, SC/ST Munger in A.B.P. No. 371 of 2024, arising out of SC/ST Police Station Case No. 09 of 2013 registered for the offences punishable under Sections 419, 420, 385 and 504 of the IPC and Sections 3/4 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, which was initially based on a complaint petition, the amount which was sanctioned for the



construction of the school building was mis-utilized by the then Secretary of the school along with other accused persons including the appellant and no construction was done by the accused persons. It is further alleged that under force and coercion two cheques of Rs. 30,000/- each was forcibly taken by the accused person and the said amount was also embezzled.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and he has no concern whatsoever with the alleged incident. It has been submitted that the appellant was not aware of any such institution of case against his name and, in fact, he has brought on record the Aadhar Card of the appellant wherein he writes his name as Manish Kapri and the police very recently had started looking for him in the present case, only then he came to know about the lodging of the FIR. It has next been submitted that from perusal of the FIR, it would be evident that there is no specific allegation of embezzlement upon the appellant to whom the money had never reached as would be aware from the perusal of paragraph-4 of the complaint petition. It is also submitted that the main accused persons, who are the Secretary of the school and others, who were directly connected with the development of the school have already been granted bail by a co-ordinate Bench of this Court vide order dated 06.09.2021 passed in Cr. Appeal (SJ) No. 2392 of



2021. It has lastly been submitted that the appellant has clean antecedent.

5. Learned counsel for the respondent no. 2 as well as learned Spl.PP have vehemently opposed the prayer for bail and have stated that the appellant has approached this Court after more than 11 years of the institution of the FIR and on this ground alone his appeal may be dismissed. It has also been submitted that from perusal of the impugned order it seems that the cognizance had already been taken against the appellant way-back on 21.11.2015 and as such the present application in its form is not maintainable.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 27.04.2024 is set aside.

7. The appeal is allowed.

8. Considering the facts and circumstances of the case and taking into account that there is no reference with regard to embezzlement of amount directly by the appellant who is said to have been a supplier of sand and stone and also that similarly situated accused persons have been granted the benefit of anticipatory bail by a co-ordinate Bench of this Court, the appellant, above named, be released on anticipatory bail, in the event of his arrest or surrender before the learned court below



within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Court, SC/ST Munger in A.B.P. No. 371 of 2024, arising out of SC/ST Police Station Case No. 09 of 2013 as laid down under Section 438(2) of the Cr.P.C. read with corresponding Section 482(2) of the B.N.S.S. as well as subject to the following conditions:

- (I) The appellant is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.
- (II) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant/respondent no. 2 or any witness connected with this case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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