

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40062 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- MADHAURAH District- Saran

BINOD KUMAR MANJHI @ BINOD MANJHI son of Balchand Manjhi
Village- Nethuwa Ps- Marhowrah Gaura OP Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Udai Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Marhowrah (Gaura O.P.) P.S. Case No. 210 of 2023 registered for the offences punishable under Sections 341, 323, 353, 384 and 504 of the Indian Penal Code.
3. The learned counsel for the informant, at the outset, submits that this case gives a very disturbing picture. The S.C./S.T. Act was enacted by the State Legislature for empowering the marginalized section of the society but of late, it is being seen that the S.C./S.T. Act is being used as a weapon against innocent persons. The present case is one of them.
4. Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and the informant, the Principal of Upgraded Middle School, Nethua, alleges that this petitioner for sometimes was coming and demanding extortion of Rs. 50,000/-, it is next alleged that on 18.04.2023, again the petitioner came to the school and demanded Rs. 50,000/- and when the informant protested, she was abused, it is further alleged that the occurrence was disclosed to her son and when her son went to the house of the informant for inquiring that as to why he abused the informant, the petitioner assaulted him.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner has not committed any offence under alleged penal Sections 353 of the I.P.C. nor Section 384 of the I.P.C. is made out for the reason that FIR is vague and no time is given that as to when the petitioner interfered in the work of the informant, it is also submitted that in nature of the allegation *prima-facie*, no offence under Section 384 of the I.P.C. is made out as the ingredients of the offence as mentioned in Section 383 of the I.P.C. is not there in the FIR. The learned counsel further submits that the present case is counter version of an FIR being Marhowrah (Gaura O.P.) P.S. Case No. 212 of



2023 dated 21.04.2023 instituted by the wife of the petitioner in which she alleges that daughter of the petitioner, who is a student of the school of which the present informant is Headmistress, was abused for the reason that she belongs to Scheduled Caste and had drunk water and was also assaulted by persons who were present in the school, as detailed in the said FIR. It is also submitted that Headmistress is not an accused in the case in Marhowrah (Gaura O.P.) P.S. Case No. 212 of 2023 as her name does not figure in the accused column, it is further submitted that persons who were present in the school, when the occurrence of assault of his daughter took place, later came to the house of the petitioner and looted ornaments of Rs. 50,000/- as well as cash of Rs. 10,000/- along with other articles.

6. Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that FIR is not an encyclopedia where the allegations in detail have to be mentioned, it is next submitted that when the allegations are not with precision that in itself demonstrates that no effort has been made to implicate falsely, it is further submitted that the informant is Headmistress of the school and it absolutely does not stand to reason that why being Headmistress



of the school she would falsely implicate the petitioner, who is father of her student. Learned counsel further submits that this petitioner is in habit of disturbing the atmosphere of the school, it is next submitted that petitioner on 18.04.2023 had come and had threatened the informant and had demanded Rs. 50,000/- and when she refused, the entire atmosphere of the school was vitiated and even the examination which was to be conducted was also disturbed.

7. The learned counsel for the informant next submits that it absolutely does not stand to reason that how a submission has been made that the present informant is not an accused in the case filed by the wife of the petitioner merely for the reason that her name does not figure in the accused column when the thrust of the allegation in the FIR is against the present informant which was instituted by wife of the petitioner. The learned counsel next submits that the fact that wife of the petitioner instituted a case subsequent to the present FIR that in itself demonstrates that the petitioner was trying to create a shield as he was aware of his misdeeds, it is further submitted that though it is alleged that the daughter of the petitioner was assaulted by the present informant for being an S.C. student but then the FIR is completely silent that since when her daughter is



studying in school, this precisely is for the reason that the daughter of the petitioner never faced any kind of problem in the school from the time when she took admission till the date of institution of the FIR by her mother. Learned counsel for the informant next submits that the S.C./S.T. Act was meant to cater to the needs of the marginalized in the society but then the present trend is to use the Act as a weapon because certain benefits also accrue to the informant who institutes a case under the S.C./S.T. Act. It is next submitted that the informant is Headmistress of school, she imparts education, she has a role in nation building and why the informant would institute a false FIR.

8. Considering the submissions made by the learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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