

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3042 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SC/ST District- Nawada

Archana Kumari Wife of Sri Niranjan Singh Posted as Superintendent of Post,
Nawadah Division P.S. Nawadah Town, Dist.- Nawadah, Permanent Resident
of Vill.- Harrakh, P.O. and P.s. and Dist.- Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar through the Special Public Prosecutor, SC and ST Act.
Patna
2. Ram Krishna Prasad Son of Sri Ram Chandra Prasad R/O Vill.- Bhadauni,
P.S.- Nawadah Town, Dist.- Nawadah

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

For the Informant : Mr. Sanjeev Ranjan, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-08-2024 1. Heard learned Senior counsel for the appellant Mr. Ramakant Sharma, learned Special P.P. Mr. Sadanand Paswan and the learned Senior counsel appearing on behalf of the informant Mr. Sanjeev Ranjan.

2. 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 12.06.2024 in A.B.P. No. 1473/2024 passed by the learned Special Judge, Special Court SC/ST (POA) Act, Nawadah, in connection with SC & ST P.S. Case No. 38/2024 registered under Sections 323, 504 and 506 of the Indian Penal



Code as well as Sections 3(i)(r)(s)(w) and 3(2)(va) of the SC/ST (POA) Act.

3. Learned Senior counsel for the appellant at the outset submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant who belongs to the SC community is trying to coerce his superior authorities into submission. It is also submitted that the legislature enacted the SC/ST Act in order to strengthen the SC/ST community, so that, they are not exploited by the society but then it appears that with passage of time, willy litigants are taking advantage of the SC/ST Act to implicate innocent persons. It is next submitted that the informant alleges that he is posted on the post of Accountant in the office of Postal Superintendent, Nawadah since 2023 and he belongs to SC community, it is further alleged that one Archana Kumari is posted as Postal Superintendent, Nawadah since 08.06.2023 and the said Archana Kumari used to identify the employees belonging to SC and ST community, posted in the office and tortured them by different ways and also addressed them by their caste name and used to transfer and suspend the employees



of SC & ST community without seeking any explanation, it is also alleged that illegal gratification was sought from the informant but when he did not accede to her demand, he was transferred to Orhanpur Sub Post Office, accordingly, he challenged his order of transfer before the learned CAT Bench, Patna in which status-quo was granted, further, the petitioner being Deputy Circle Secretary keeps raising his voice against the atrocities being meted out to SC/ST employees. It is also alleged that the said Superintendent of Post acted inappropriately with one Kajal Kumari and even spat on her and threatened that she will be terminated from the service.

4. The learned Senior counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that if what has been alleged in the F.I.R. is true then the informant ought to have approached the superior authorities bringing to their notice about the conduct of the Superintendent of Post but then filing an F.I.R. amply demonstrates that the allegations have been alleged only to coerce his superior into submission under fear of arrest. It is also submitted that such trend is dangerous, as the superior authorities would not be in a position to discharge their duty fearlessly under fear of being arrested, if an F.I.R. is



instituted, it is next submitted that the informant ought to have been proceeded departmentally for instituting an F.I.R. without bringing the allegations to the notice of the superior authorities of the superintendent of post for ascertaining the veracity and truthfulness of the allegations. The learned Senior counsel for the petitioner also submits that if what has been alleged by the informant against the appellant with respect to Kajal Kumari is true, in that event, Kajal Kumari ought to have instituted an F.I.R. but then it appears that the informant for some ulterior reason on her behalf has instituted the instant criminal case, instead of bringing the said allegation to the notice of his superior authorities. It is thus submitted that had there been any iota of truth in the allegations as alleged in the instant F.I.R., the informant would have brought such facts to the notice of his superior authorities so that the Superintendent of Post either would have been suspended or proceeded departmentally but then that is not the case. It is also submitted that if credence to such allegations are given, in that event, it will become very easy for any employee belonging to the said category to coerce their superior into submission.

5. Learned Special Public Prosecutor is also not in a position to rebut the submissions of the learned counsel



appearing on behalf of the appellant that the informant instead of instituting an F.I.R., ought to have complained to the superior authorities at the first instance, however, the learned counsel appearing on behalf of the informant opposes the submissions of the learned Senior counsel appearing on behalf of the appellant and submits that Kajal Kumari has been examined during the course of investigation, with respect to the allegation and has supported the allegations, on which, the learned Senior counsel appearing on behalf of the appellant submits that the falsity of the allegation would manifest from the fact that the F.I.R. has been instituted four days after the alleged occurrence, which is nothing but an after thought and also submits that any statement given to the police is not admissible in evidence.

6. The Court completely concurs with the submissions of the learned Senior counsel appearing on behalf of the appellant. The order impugned is set aside and the appellant, above named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond 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 in connection



with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

8. Let a copy of this order be sent to the Chief Postmaster General, Bihar for necessary action.

(Satyavrat Verma, J)

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