

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.536 of 2025

Arising Out of PS. Case No.-33 Year-2020 Thana- COMPLAINT CASE District- Araria

Asgari Khatoon @ Asgari Saba Wife of Md. Washi Ahmad village- Chopra
Ramnagar, Ward no. 9, Ps- Birnagar, Dist- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi Wife of Mithu Paswan village- Dholbajja, Ward no. 12, Po-
Dholbajja, Ps- Farbisganj, Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2025 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

2. An order, dated 04.01.2025, passed by learned 1st
Addl. Sessions Judge Cum Special Judge, Araria, in ABP No.
2754 of 2024, is under challenge in the present appeal preferred
under Section 14-A (2) of the Schedule Caste and Schedule
Tribes (Prevention of Atrocities) Act, 1989, whereby the
anticipatory bail application of the appellant in connection with
Complaint Case No. 33 of 2020 registered for the offence
punishable under Section 420 of the Indian Penal Code and
Sections 3 (i)(r), 3(i)(s) of the Schedule Caste/Schedule Tribe
(Prevention of Atrocities) Act, has been rejected.



3. As per the complaint, the complainant applied for Anganwari Sahayika. Along with complainant, two other candidates Manju Devi and Sunita Devi had also applied. Manju Devi did not produce certificate of Class VIII and Sunita Devi was selected for the post of Anganwari Sahayika but after verification, the certificate was found forged. As per the direction of the District Programme Officer, complainant and her relative went before the CDPO Office, Forbesganj, and requested for her selection. The accused persons including the appellant demanded a sum of Rs. 60,000/- for selecting the informant. When the informant protested, the appellant and others abused her by her caste name and ousted her from the office.

4. Learned counsel for the appellant submits that though the appellant is named in the complaint petition but there is no allegation of demand of bribe against the appellant. The appellant is working as Supervisor in the office of CDPO.

5. On the other hand, learned Special Public Prosecutor SC/ST opposes the prayer for anticipatory bail and submits that learned Special Court after prima facie arriving at the conclusion that the offences against the appellant are made out including the offence under SC/ST Act has taken



cognizance against the appellant. He further submits that summon was served upon the appellant but she chose to ignore the summon and now the proceeding under Section 82 and 83 of the Cr.P.C. have already been issued against her.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that learned Special Court has taken cognizance against the appellant under Section 420 of I.P.C. and Sections 3 (i)(r), 3(i)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act and the process under Section 82 and 83 of the Cr.P.C. have already been issued, I am not inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, rejected and the order, dated 04.01.2025, passed by learned 1st Addl. Sessions Judge Cum Special Judge, Araria, in ABP No. 2754 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

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