

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2604 of 2022**

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

RAMESH KUMAR Son of Devendra Thakur Resident of Village - Majhauli ,
Pachdahi, P.s.- Sakra, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Divesh Kumar Sharma Son of Sri Shivshankar Sharma The Assistant
Director , Distt. Child Protection Unit, Muzaffarpur, Distt.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

12 09-10-2025

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 10.06.2022 passed in a case registered for the offence punishable under sections 183, 363, 366 (A) , 120 (b) and 34 of the Indian Penal Code and sections 3(i)(2) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per F.I.R. informant Divesh Kumar Sharma , the Assistant Director, District Child Protection Unit, Muzaffarpur submitted his written report to the Head Officer, Mahila Police Station vide letter No. 526 dated 29.07.2018 alleging therein that Sawadhar Grih, Muzaffarpur under Social



Welfare Department was operated by the Non-Government Organization Seva Sankalp Evam Vikas Samiti, Muzaffarpur. It is further alleged that on 20.03.2018, the inspection of the aforesaid Swadhar Grih was made by Inspection Committee and at the time of inspection , 11 women and 4 children were found living but during course of inspection by District Inspection Committee on 09.06.2018, said Swadhar Grih was found to be closed. It is further alleged that neither any employee nor Operator of the said Swadhar Girh had submitted the information about the living women and children to the office of District Child Protection Unit, Muzaffarpur.

4. It is submitted that the appellant is not named in the F.I.R. whereas the F.I.R. was lodged against the operator of Seva Sankalp and Vikash Samiti. Appellant is neither the operator nor the employee of the said Seva Sankalp and Vikas Samiti and he has got no concern with the alleged occurrence . The name of this appellant was fraudulently entered in the said Seva Sankalp and Vikas Samiti as Secretary. During course of investigation , the appellant was called upon by the investigation agency and after due enquiry, it was found that the appellant was innocent and his forged signature was made on the records of the said Organization . It is further submitted that at the



relevant time , petitioner was working in the ICICI Bank as agent for opening Credit Card and as such, he had no role in the said non-government organization in any manner whatsoever.

5 . Learned special public prosecutor for the State opposed the prayer for bail and submitted that appellant was secretary of the non-government organization and after investigation , police has submitted chargesheet against this appellant and other co-accused persons u /s 183, 363, 366 (A) , 406, 420, 467, 468 , 120 (b) and 34 of the Indian Penal Code and sections 3(i)(2) of the Scheduled Castes and Scheduled Tribes Act, and has found the case true against this appellant. It is further submitted that sufficient material has been found against this appellant and as such , his prayer for anticipatory bail is fit to be dismissed.

6. Taking into consideration the facts and the nature of allegations made agianst this appellant, I do not find any reason to interfere with the impugned order, accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

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