

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4778 of 2023

Arising Out of PS. Case No.-181 Year-2018 Thana- COMPLAINT CASE District- Araria

Dharam Deo Jha Son of Late Mahi Jha R/o Mohalla - Aadarsh Nagar, ward
no. 16, P.S. - Araria, Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Ram Son of Sri Ramesh Ram R/o vill - Haripur Dak, ward no. 12, P.S. -
Forbesganj, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Anand, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 29-07-2025 Heard Mr. Amit Kumar Anand, learned counsel for

the appellant as well as Mr. Sadanand Paswan, learned Spl.P.P.

for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
18.08.2023 arising out of ABP No. 1964 of 2023 passed by the
learned Court of 1st Additional Sessions Judge cum Special
Judge, Araria in connection with Protest-cum-Complaint
Petition bearing Complaint (SC/ST) Case No. 181 of 2018
registered under Sections 420, 406 and 323 of the Indian Penal
Code and Sections 3(iii) (iv)(x)(vii) of the Scheduled Castes and
Scheduled Tribes Act.



3. According to the prosecution case, this appellant promised the complainant to give him the job of peon in the Bank and asked for Rs. 2,50,000/- for which the complainant gave Rs. 1,50,000/- along with educational certificates but the appellant neither gave him the job nor returned his money back and also abused him by taking his caste name.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that after the filing of the Protest-cum-Complaint Petition against the appellant, the learned 1st Additional Sessions Judge-cum-Special Judge, Araria has enquired the matter and three witnesses have been examined under Section 202 of the Cr.P.C. and took cognizance under Sections 420, 406 and 323 of the Indian Penal Code and Sections 3(iii) (iv)(x)(vii) of the SC/ST Act. He further submits that the petitioner is the Senior Branch Manager of the Bank of Baroda, posted at Gujarat and the complainant was the worker of the petrol pump and one Razi Ahmad was the owner of the aforesaid petrol pump and due to previous enmity regarding the land dispute between the appellant and Razi Ahmad the complainant has implicated the appellant in the aforesaid Protest-cum-Complaint Petition. He further submits that earlier



in the Complaint Case No. 242(C) of 2018 the learned Trial Court was pleased to send the complaint petition before the office-in-charge of SC/ST Police Station for institution and investigation of the case under section 156(3) of the Cr.P.C. through the Superintendent of Police, Araria. The office-in-charge of the SC/ST Police Station, Araria instituted the F.I.R bearing SC/ST P.S. Case No. 76 of 2018 on 23.08.2018 under Sections 420, 406 and 323 of the Indian Penal Code and Sections 3(iii) (iv)(x)(vii) of the SC/ST Act. He further submits that the police after investigation submitted the final form in favour of the appellant and other persons and then the complainant has filed the Protest Petition on 06.12.2018 and after four years, the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in a mechanical manner has taken cognizance against the appellant and others on 19.10.2022.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and relied upon the judgment of the Hon'ble Supreme Court in the case of **Bachu Das Vs. The State of Bihar and Others** reported in **(2014) 3 SCC 471** and submits that the learned Court below has taken cognizance of the offence against the appellant under the provisions of SC/ST Act and as such, there



is a prima facie case made out against the appellant and in view of the Section 18 of the SC/ST Act, this appeal for anticipatory bail is not maintainable.

6. Considering the aforesaid facts and circumstances and in view of the provision contained under the SC/ST Act, this appeal for anticipatory bail is not maintainable and no interference is required by this Court, I am not inclined to grant the privilege of anticipatory bail to the appellant in connection with Protest-cum-Complaint Petition bearing Complaint (SC/ST) Case No. 181 of 2018 pending in the court of 1st Additional Sessions Judge-cum-Special Judge, Araria.

7. Accordingly the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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