

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.514 of 2026

Arising Out of PS. Case No.-25 Year-2023 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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Ashutosh Kumar S/o Late Sudhir Sinha @ Late Sudhir Kumar Sinha R/o
Mohalla - Kayasth Tola Ward No. 29, Saharsa, P.S.- Saharsa, Distt.- Saharsa
... .. Appellant/s

Versus

1. The State of Bihar
2. Amrapali Sinha W/o Amrit Sinha, D/o Prabhakar Taide R/o Mohalla -
Kayasth Tola, P.S.- Saharsa, Distt.- Saharsa
... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha, Advocate Mr. Raghaw Kumar, Advocate Mr. Dewanand Tiwari, Advocate Mr. Amarnath Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-06-2026 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

appearing on behalf of the informant.

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 16.01.2026 in A.B.P. No. 11 of 2026 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST
(POA) Act, Saharsa in connection with Complaint Case No.
25C of 2023 registered under Sections 323, 307, 354, 354(B),
379, 504 and 506 of the Indian Penal Code as well as Sections



3(i)(r)(s)(w)(i) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant, at the outset, submits that the case gives an impression that how the SC/ST Act is misused for ulterior reasons and even at times to settle the family dispute by force. It is further submitted that the complainant alleges that she belongs to Mahar caste and was married to Amrit in the year 2019 but the family members of Amrit were annoyed with the marriage. It is next alleged that she stays with her husband at Mumbai and whenever she comes to her matrimonial home at Saharsa, the accused persons including the appellant use to torture her and on 23.03.2023 she reached her matrimonial home from Mumbai. It is further alleged that her husband had come earlier as such the family members of her husband were aware about the arrival of the informant. It is further alleged that when she reached her matrimonial home from Mumbai on 23.03.2023, the accused persons including the appellant assaulted her and appellant dashed her on a Sofa and acted inappropriately with her and when her husband came to save her, the accused persons including the appellant assaulted him causing injury on leg. Further, the appellant broke her chain and *Mangalsutra* and asked her to leave the house as she belongs to



Mahar caste.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that appellant is own brother of Amrit. It is next submitted that the instant complaint case has been instituted in the year 2023 i.e. four years after the marriage of the complainant with Amrit. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that prima facie no offence under the SC/ST Act is made out as the alleged occurrence did not take place in public view, rather the complainant herself alleges that the entire occurrence took place at her matrimonial home. It is further submitted that husband of the complainant is having dispute with his brother and other family members with regard to the property. It is next submitted that this is the first case instituted by the complainant and after instituting the instant case four more cases were instituted against the appellant and other family members. It is also submitted that after the instant complaint case came to be instituted thereafter the brother of the appellant started selling his property and even executed sale deed which amply demonstrates that a false criminal case under the SC/ST Act was instituted only with an intent to coerce the appellant and his



family members into submission so that they do not object to selling of the land by the husband of the complainant. It is further submitted that even the allegation as alleged in the complaint does not inspire confidence for the reason that it absolutely does not stand to reason that if the family members of Amrit were so hostile to the informant then why Amrit allowed her to come to Saharsa when he had arrived earlier to her. It is, thus, submitted that had the situation in the family been tensed in that event Amrit would never have allowed the complainant to come from Mumbai to Saharsa. It is next submitted that the present false case came to be instituted in the backdrop of dispute relating to property in between Amrit, appellant and other family members. It is also submitted that deliberately a complaint case has been instituted in order to falsely implicate the appellant and others. It is further submitted that had an FIR been instituted, the same would have been investigated and the truth would have come to the fore but in a complaint case only two witnesses are required based on whose evidence and the evidence of the complainant cognizance is taken in a mechanical manner. It is next submitted that even the learned Magistrate acted mechanically.

5. Learned counsel appearing on behalf of the



appellant submits that a suitable direction be given to the Superintendent of Police of the concerned district to get the matter investigated and if it is found that a false case has been instituted in that event to institute a separate FIR against the complainant.

6. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the appellant.

7. Mr. Sadanand Paswan, learned Special Public Prosecutor for the State submits that since a complaint case has been instituted and cognizance has been taken, as such, no further direction is required. It is further submitted that if a false case has been instituted the truth will surface in the trial.

8. On query of the Court from the learned counsel appearing on behalf of the complainant that as to whether after institution of the instant case, the husband of the complainant executed sale deed with respect to land or not on which it is fairly submitted that sale deed has been executed.

9. It is submitted by the learned counsel appearing on behalf of the complainant that since cognizance has been taken, as such, a prima facie case is made out on which learned counsel appearing on behalf of the appellant submits that no



doubt after taking of cognizance a prima facie case is said to be made out but then allegation as alleged in the complaint and the backdrop in which the complaint case came to be instituted cannot be ignored.

10. After hearing the learned counsel for the parties, let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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