IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1140 of 2026

CNR No. BRHC010285052026

Arising Out of PS. Case No.-45 Year-2021 Thana- SAHARSA COMPLAINT CASE District-Saharsa

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Ramchandra Sah S/o Budhu Sah Village- Kachra ward no- 10 PS- Saur Bazar, Dist- Saharsa

... ... Appellant/s

Versus

1. The State of Bihar
2. Gita Devi W/o- Vindeshwari Ram @ Vino Ram R/v- Bhelwa W.No-11, Panchayat- Kadhaiya Ps- Saur Bazar Dist- Saharsa

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Raja Surendra Mohan, Adv.
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 27-10-2026 1. Heard learned counsel for the appellant, learned APP for the State and the learned counsel appearing on behalf of the complainant.

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 17.01.2026 in ABP No.1079 of 2025, passed by the learned Additional Sessions Judge-1st cum Special Judge, S.C./S.T. (POA) Act, Saharsa in connection with Complaint Case No. 45(C) of 2021, registered for the offences punishable

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under Sections 417, 323, 341, 504, 34 of the IPC as well as Sections 3(1)(r) (s) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the complainant alleges that her name figured in the merit-list for appointment as Asha worker, but appellant and Vidyanand said that she will have to part with Rs. 25,000/- towards office expense for getting the appointment letter, hence the complainant paid Rs.25,000/- to the appellant but she did not get appointed, and later came to know that appellant got one Paro Devi appointed by portraying her as complainant, further alleges that when she asked for her money back, the appellant abused and assaulted.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the complaint petition, it would manifest that complainant alleges that her name figured in the merit list for being appointed as Asha worker but then the complaint does not disclose the year of the merit list. It is further submitted that the merit list was published in the year 2008 and the instant complaint case came to be instituted in the year 2021 which amply demonstrates that the case has been instituted for ulterior

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reason. It is next submitted that even presuming what has been alleged is true without admitting then complainant herself acknowledges that she intended to get appointed as Asha worker based on bribe, which is an offence in itself. It is further submitted that had the appellant taken an amount of Rs.25,000/- in the year 2008 from the complainant in name of getting appointment, in that event the complainant would have immediately instituted a criminal case, alleging that in her place one Paro Devi was appointed with the help of the appellant but then that is not the case. It is further submitted that the learned trial court without appreciating the facts of the case in its correct perspective proceeds mechanically and takes cognizance. It is next submitted that the learned trial court ought to have realized that the allegations as alleged in the complaint makes out a case against the complainant herself for the reason that she admits that she had paid Rs.25,000/- by way of bribe for bribing the office executive. It is next submitted that while examining the complainant the learned trial court did not even bother to verify as to when her name was incorporated in the merit list.

5. Learned counsel appearing on behalf of the complainant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that the

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merit list was published in the year 2008 but then submits that since cognizance has been taken, as such a prima facie offence is made out. The submission of the learned counsel appearing on behalf of the complainant is supported by the learned APP.

6. In the nature of allegation as alleged, the Court prima facie is of the view that no offence under the SC/ST Act is made out, as such the Court was inclined to extend the privilege of anticipatory bail to the appellant but since the learned trial court has taken cognizance of the offence, as such, the appeal is disposed off with a direction to the appellant to appear before the learned trial court on 19.11.2026.

7. It is made clear that if appellant appears on 19.11.2026, in that event, the learned trial court shall consider and dispose off the case on the same day keeping in mind the the observations of the Court, as recorded, hereinabove.

8. Accordingly, the appeal stands disposed off.

(Satyavrat Verma, J)

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