

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2524 of 2024**

Arising Out of PS. Case No.-30 Year-2023 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Rajesh Ranjan @ Raju Singh S/O Jagdish Singh R/V- Arara West, P.S.-
Hajipur Sadar, Dist - Vaishali

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dhanmanti Devi S/O Maheshwar Paswan R/V - Salempur, P.S.- Hajipur
Sadar, Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar
For the Respondent/s	:	Ms. Usha Kumari 1- Special P. P.
		Mr. Hemant Ray
		Mr. Sharad Kumar Verma
		Mr. Sagar Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-01-2026 1. Heard learned counsel for the appellant, the learned

Special Public Prosecutor for the State and the learned counsel

appearing on behalf of the Respondent.

2. The appellant has challenged the order dated
27.04.2024 passed by the learned Exclusive Special Court,
SC/ST Act, Vaishali at Hajipur in connection with A.B.P.
No.859 of 2024 arising out of Complaint Case No.30 of 2023,
instituted for the offences under Sections 341, 323, 354(B), 447,
504, and 506 of the Indian Penal Code and Section 3(i)(s) of the
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)
Act, whereby his prayer for grant of anticipatory bail has been



rejected.

3. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the complainant alleges that the accused persons including the appellant came and assaulted her. On objection, Raju and Sanjay abused her by taking caste name. Further, acted inappropriately with her daughter in-law and unveiled them on pretext that they are Witch and Rakesh snatched chain of Sindhu Devi and the accused said that they forged document to usurp land and disclosed that earlier they were giving her some money for the land but now her land would be usurped.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the complainant with general and omnibus allegation of assault and abuse. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the present false complaint case has been instituted. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the complaint and thus was not public view, as such, prima facie in the nature of allegation, no offence under the SC/ST (P.O.A.) Act is made out,



but then, it is submitted that the learned Trial Court in mechanical manner proceeded and took cognizance. It is also submitted that though in the complaint, the complainant alleges that accused persons said that earlier they were giving money for the land but now they will usurp her land by creating forged document that in itself demonstrates that earlier either some transaction or talk with respect to purchase of land had taken place in between the accused persons including the appellant and the informant.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the complainant opposes the bail application. The learned counsel appearing on behalf of the complainant submits that since cognizance has been taken, as such, a prima facie case is made out and rigors of Section 18 of the SC/ST (POA) Act would apply, on which the learned counsel appearing on behalf of the appellant submits that the nature of allegation is also to be appreciated. It is next submitted that at the stage of cognizance, the accused is not before the learned trial Court and the cognizance is taken based on the complaint and evidences brought before the Court by the complainant. It is also submitted that from perusal of the complaint, it would manifest that the same does not even



remotely suggest that the witnesses of the complaint were also present at the place of occurrence when the occurrence is alleged to have taken place, but then, based on their evidence cognizance has been taken.

6. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellant, but for the order of cognizance, as such, the appeal is disposed off with a direction to the appellant to surrender before the learned trial Court on or before 12.02.2026 and the learned trial Court on the same day shall consider and dispose of the case keeping in mind the fact that complaint petition does not even remotely suggest that the witnesses were not present at the place of occurrence.

7. The order has been passed in presence of the learned counsel appearing on behalf of the complainant.

(Satyavrat Verma, J)

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