IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2037 of 2026

CNR No. BRHC010536932026

Arising Out of PS. Case No.-9 Year-2025 Thana- NAWADAH COMPLAINT CASE District-Nawada

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1. Manorama Devi @ Manorama Kumari W/o Manilal Sinha R/o vill- Sirdalla, P.s.- Sirdalla, Distt.- Nawada, Bihar
2. Papu Yadav @ Ashwini Kumar S/o Manilal Sinha R/o vill- Sirdalla, P.s.- Sirdalla, Distt.- Nawada, Bihar
3. Guriya Devi @ Sudha Shalini D/o Manilal Sinha R/o vill- Sirdalla, P.s.- Sirdalla, Distt.- Nawada, Bihar

... ... Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Late Sunil Chaudhary R/o vill - Sirdalla, P.s.- Sirdalla, Distt.- Nawada, Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Shashank Shekhar Kunwar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 27-10-2026 1. Heard learned counsel for the appellants, learned A.P.P. for the State and the 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 30.04.2026 in A.B.P. No. 990 of 2026 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Nawada

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in connection with SC/ST P.S. Case No. 106 of 2024 registered for the offences punishable under Sections 115(1), 126(2), 351(2), 351(3), 352, 318 of the BNS as well as Sections 3(1)(r)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellant No. 1 and 3 have antecedent of one case and appellant No. 2 is a person with clean antecedent and appellant Nos. 1 and 3 are women. It is next submitted that informant alleges that appellant Nos. 1 and 3 in the year 2023-24 a name of getting her land and to obtain bank loan on the said land, cheated her of Rs. 8,40,000/-, further complainant had earlier instituted Sirdalla PS Case No. 376 of 2024 against the appellant Nos. 1 and 3, next alleges that on 20.10.2024 the accused persons again abused her and appellant No. 2 dashed her on the ground, hence the instant complaint case was filed as police did not register an FIR.

4. Learned counsel for the appellants submits that the based on the complaint filed by the complainant, the instant FIR came to be instituted, it is further submitted that police after threadbare investigation came to a considered conclusion that appellants are innocent and thus submitted final form exonerating the appellants of the allegation as alleged in the FIR, but then the learned Trial Court took cognizance based on a

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protest petition filed by the complainant, it is next submitted that one when investigating agency after threadbare investigation came to be a considered conclusion that appellants are innocent whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on a protest petition.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants, but then learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that police after investigation submitted final form exonerating the appellants of the allegation.

6. At this stage, learned counsel appearing on behalf of the appellants submits that if what has been alleged in the FIR is a correct fact, in that event, the complainant ought to have moved before a Court of competent civil jurisdiction instead of filing a criminal case so that the appellants could have appeared in a civil proceeding to contest the allegations, but then the instant criminal case has been instituted only with an intent to coerce the appellants into submissions so that the appellants part with the fanciful demand of the informant.

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7. After hearing the learned counsel for the parties, the Court was inclined to extend the privilege of anticipatory bail to the appellants, but since cognizance has been taken as such, the appeal is disposed of with a direction to the appellants to appear before the learned Trial Court on 19.11.2026.

8. However, it is made clear that if the appellants appear on 19.11.2026, in that event, the learned Trial Court shall consider and disposed of the case on the same day and keeping in mind the fact that police after investigation submitted final form exonerating the appellants of the allegation and also keeping in mind, the observations of this Court as recorded hereinabove.

(Satyavrat Verma, J)

Nitesh/-

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