

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2945 of 2024

Arising Out of PS. Case No.-80 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

Rajesh Kishan son of Ramchandra Prasad Village- Bhawani Bigha Ps-
Nawada Town Dist- Nawada

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Sudha Kumari wife of Amar Kumar Village- Amrakh Ps- Maniyari Dist-
Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Bipin Chandra, Advocte
For the State	:	Mr. Binay Krishna, Sp.PP
For the O.P. No. 2	:	Ms. Shashi Priya, Advocate
		Mr. Ritwaj Raman, Advocte
		Ms. Pankhuri, Advocate
		Mr. Anand Abhishek, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 23-02-2026 Heard learned counsel for the appellant, learned
counsel for the O.P. No. 2 and and learned Special Public
Prosecutor for the State.

2. An order, dated 22.05.2024, passed by learned
Special Judge, SC/ST (POA) Act, Muzaffarpur, in ABP No. 798
of 2024, is under challenge in the present appeal preferred under
Section 14-A (2) of the Schedule Caste and Schedule Tribes
(Prevention of Atrocities) Act, 1989, whereby the anticipatory
bail application of the appellant in connection with Complaint
Case No. 80 of 2022 registered for the offence punishable under
Sections 323, 504, 506, 509 and 354(B) of the Indian Penal



Code and Section 3 (i) (iii) (vi) (xii) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the prosecution case, on 02.06.2022, the complainant, who is an Aanganwari Sevika, alleged that on 25.05.2022 at about 10:30 a.m., the appellant entered the Aanganwari Centre, abused her in filthy language, physically harassed her, and also abused her by taking her caste name, stating that she should not be working at the Aanganwari Centre.

4. Learned counsel for the appellant submits that appellant has been working as C.D.P.O. at Kudhani, Muzaffarpur. The Aaganwari Centre where the complainant is working comes under the jurisdiction of the appellant. The complainant had got the job as Aanganwari Sevika on the basis of a forged certificate, and the then C.D.P.O., vide Memo No. 928 dated 04.12.2019, terminated her services. The complainant preferred Appeal Case No. 11 of 2020 before the D.P.O., Muzaffarpur, which was dismissed vide order dated 01.06.2022, with a direction to appoint one Jyoti Kumari in place of the complainant. Immediately thereafter, with malice and mala fide intention, the present complaint was filed by the complainant



on 02.06.2022.

5. On the other hand, learned counsel for the State as well as O.P. No. 2 submits that the learned Magistrate has taken cognizance of the offence including offences under Sections 323, 504, 506, 509 and 354(B) of the Indian Penal Code and Section 3 (i) (iii) (vi) (xii) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act.

6. I have learned counsel for the parties and have gone through the materials on record.

7. It appears that the appellant has been working as C.D.P.O., Kudhani, Muzaffarpur. The order dated 01.06.2022 passed by the D.P.O., Muzaffarpur, specifically directed the appellant to take steps for appointment of Jyoti Kumari in place of the complainant, who had earlier been selected through Aam Sabha. Both the Original Authority as well as the Appellate Authority consistently recorded a finding that the complainant had secured appointment on the basis of a forged certificate. Just after passing of the order by the Appellate Authority on 01.06.2022, it appears that in order to put pressure upon the appellant, the complainant has filed the present complaint on 02.06.2022. Considering the aforesaid discussions, I am inclined to grant the appellant privilege of anticipatory bail.



8. This appeal is, accordingly, allowed and the order, dated 22.05.2024, passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur, in ABP No. 798 of 2024, is set aside.

9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Muzaffarpur, in connection with Complaint Case No. 80 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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