

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4740 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- DORIGANJ District- Saran

Aditya Kumar Singh @ Aditya Singh Son of Sanjay Kumar Singh @ Sanjay Singh R/O- Vill- Manipur Jahangir, P.S- Doriganj, Distt- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Roshni Kumari D/o Kuldeep Das R/O- Vill - Dhandhua, P.S. - Jandaha, Dist. - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Eashita Raj
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP
		Ms. Shweta Anand, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 23-07-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Sri Binay Krishna 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 18-11-2025 in A.B.P. No. 4166 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Saran at Chapra in connection with Doriganj P.S. Case No. 186 of 2025 registered for the offences punishable under Sections 85, 89 and 3(5) of the BNS as well as Sections 3(1)(r)(s) and 3(2) (va) of the SC/ST Act.

3. In compliance of the order dated 9-7-2026, the



Investigating Officer along with the SDPO-cum-Additional SP, Chapra, are present in the court.

4. The case was taken up on 9-7-2026, when a query was made from the Investigating Officer of the case that as to what material transpired during the course of investigation, based on which, it was culled out that appellant and informant were married, on which, the Investigating Officer of the case submitted that during the course of investigation, no material transpired, based on which, it could be culled out that informant and appellant were married, thereafter the Court queried that on what basis charge sheet was submitted under Section 498A of the Indian Penal Code read with other sections, on which, it was submitted that charge sheet came to be submitted based on the direction of the superior authority. It was also submitted that appellant was absconding, as such process under section 82 Cr.P.C. was obtained and the same was pasted on his house on 02.02.2026, but then by order dated 03.02.2026, no coercive was granted in favour of the appellant and the same was brought to the notice of the superior authority, as such, the superior authority directed for filing charge sheet.

5. Today when the case is taken up, a query is made to the Investigating Officer of the case that on whose direction, the



charge sheet came to be submitted, on which it is submitted that charge-sheet was submitted on instruction of SDPO-cum-Additional SP, Chapra.

6. The Court completely fails to appreciate the conduct of police authority, if process under Section 82 Cr.P.C was issued against the appellant by an order dated 2-2-2026 and thereafter on 3-2-2026 no coercive action was granted in favour of the appellant in that event the police authority ought to have brought the said fact to the notice of the court through the learned Spl. PP, but then instead of resorting to procedure envisaged under the law, the Investigating Officer instead of contacting the learned Spl. PP, sought direction from her superior and superior in a mechanical manner directed for filing a charge sheet which amply demonstrates the conduct of the authorities that how mechanical they are in their approach while investigating a case.

7. Today a query is made from the SDPO-cum-Additional SP that as to whether any material transpired during the course of investigation based on which it can be culled out that appellant and the informant are married, the Additional SP fairly submits that no material transpired, the dispute is matrimonial and appellant is the husband.



8. At this stage, the learned counsel appearing on behalf of the appellant submits that process under section 82 Cr.P.C is resorted to for ensuring presence of the accused before the Court and not to aid the police in investigation. It is next submitted that in serious cases process under section 82 Cr.P.C is not resorted to but in a matrimonial dispute the police is in a hurry and the learned District Court also in a mechanical manner issued process under Section 82 Cr.P.C. It is reiterated and submitted that appellant and the informant were known to each other and were in a relationship, the relationship was in between two consenting adults but then the appellant vehemently rebuts the allegation of marriage with the informant. It is also submitted that till date appellant is unmarried.

9. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then the learned counsel appearing on behalf of the informant submits that since charge-sheet has been submitted and cognizance has been taken as such a prima facie offence is made out. It is also submitted that appellant concealing his antecedent approached this court seeking anticipatory bail by filing the instant appeal. It is next submitted that appellant has antecedent of two cases on which



the learned counsel appearing on behalf of the appellant submits that in one case, compromise was arrived at, and based on the compromise, the appellant was acquitted, and with regard to other case which was instituted in the year 2011, it is submitted that at that time appellant was a juvenile and thus was not aware of the case nor police ever made endeavours to arrest him.

10. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellant but then cognizance has been taken as such the appeal is disposed of with a direction the appellant to surrender before the learned trial court on 5-08-2026.

11. It is made clear, if appellant surrenders on 5-08-2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind the observations of this Court as recorded hereinabove.

12. The personal appearance of the Investigating Officer of the case and the SDPO-cum-Additional SP, Chapra, is dispensed with.

(Satyavrat Verma, J)

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