

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4872 of 2025

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

Indradeo Sah Son of Late Sakhi Sah @ Sokhi Sah Resident of Village-
Kachara, Ward No. 11, P.S.- Sour Bazar, District- Saharsa

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Singh, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-02-2026 Heard learned counsel for the appellant, learned Spl.
Public Prosecutor appearing on behalf of the State.

2. This appeal has been filed against the order dated 07.11.2025 passed by learned A.D.J. 1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with A.B.P. No.978 of 2025 arising out of Complaint Case No.45(C) of 2021, registered under Sections 341, 323, 354, 379, 467, 468, 420, 120(B) of the Indian Penal Code and Sections 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per the F.I.R., the complainant has appeared in merit list of Asha in Panchayat but the accused persons misled her and told her that she will get her appointment on the post of Asha after one month for which she has to pay Rs.25,000/- for office expenses. Some how she managed the said amount and



given to accused persons but after lapse of one month the accused persons avoided to appoint her. In the meantime, co-accused Ram Chandra Sah brought one Paro Devi and told the Doctor that she is the Geeta Devi/complainant and illegally appointed the said Paro Devi on the post of Asha. It is further stated that accused persons by playing fraud cheated Rs.25,000/- from the complainant for which a panchayati also took place but the accused persons avoided the same. It is also alleged that when the complainant went to the house of accused persons and demanded her money then the appellant and accused Ram Chandra Sah abused her by caste name and caught her hair and fallen her on the ground and also assaulted her by let and fist and in due course forcibly took out her golden earring of eight Ana bhar worth Rs.30,000/-.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. He further submits that no allegation of any overt act is made by the complainant and her husband against the appellant during the inquiry. Learned counsel submits that specific allegation has been made against co-accused Ram Chandra Sah. He further submits that appellant is an old person aged about 72 years who has got clean antecedent. Learned counsel submits that there is no specific overt act against the



appellant, as such, no *prima facie* offence under SC/ST Act is made out against the appellant. He further submits that complainant of the present case had already been died.

5. Learned Spl. Public Prosecutor for the State opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, the rival submissions advanced on behalf of the parties and the fact that there is no specific allegation against the appellant in the deposition of inquiry witnesses as well as the clean antecedent of appellant, let the appellant, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with A.B.P. No.978 of 2025 arising out of Complaint Case No.45(C) of 2021.

7. Accordingly, the impugned order dated 07.11.2025 is set aside and this criminal appeal is allowed.

(Sunil Dutta Mishra, J)

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