

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3251 of 2025**

Arising Out of PS. Case No.-96 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Pankaj Kumar Sinha @ Pankaj Kumar S/O Late Bhuneshwar Prasad @
Bhuvneshwar Prasad R/O Village- Maudah Chatur, P.S.-Patepur, District-
Vaishali.

... .. Appellant

Versus

1. The State of Bihar
2. Suman Kumari W/O Mukesh Kumar Ram R/O Village- Khorampur, P.S-
Goraul, Distt.- Vaishali.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha, Advocate
For the Resp.-State : Ms. Usha Kumari 1, Special PP
For the Resp. No.2 : Ms. Kumari Shalini, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 10-11-2025

Heard learned counsel for the appellant, learned
counsel for the informant/respondent no.2 as well as learned
special PP for the State.

2. The present appeal has been preferred by the
appellant under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the refusal of prayer for anticipatory bail by order dated
25.07.2025 passed by learned Exclusive Special Judge, SC/ST
(Prevention of Atrocities) Act, Vaishali at Hajipur in connection
with Complaint Case No. 96 of 2022 in which cognizance has
been taken against the appellant under Sections 420, 354 of IPC



and Section 3(1)(x)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant, who was working as an Insurance Agent, got issued a policy in the name of complainant/respondent no. 2. Though the appellant took Rs. 3637/- per annum from the respondent no. 2 as policy premium, he did not deposit any of the amount from 2014-2020 and allowed the policy to lapse. Further allegation against the appellant is that he also got issued a policy in the name of husband of the complainant and caused him loss of Rs. 29,99,900/- for which another case has been filed against the appellant. It is also alleged that when the complainant/respondent no. 2 asked the appellant to return the money of her husband, the appellant drew out a country made *katta* and opened fire, put the complainant/respondent no. 2 down, abused and assaulted her.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel further submits that the allegations are completely false and concocted. This fact is apparent from the statements of the inquiry witnesses including the complainant wherein the complainant had stated about the appellant



providing her receipt for two years. She has also admitted she received a bond paper. Learned counsel further submits that in her complaint, the complainant stated that she was never given any receipt but in her statement before the court, she admitted that she was given receipts till year 2016. It is not believable that after 2016, when she was not given any receipt of payment, she did not make any complaint. Further, from paragraph-5 of the complaint, it is also apparent that perhaps due to non-payment, the policy of the complainant lapsed, which was again restarted by her husband, which also shows there was no role of the appellant in the whole episode and in order to extort money, the present false case has been lodged against the appellant. Further allegation of taking caste name or opening fire or assaulting the complainant are not believable in the given facts and circumstances. There was no reason for the appellant to abuse or assault the complainant. There is no allegation that the complainant was insulted or abused by caste name in any public place. For occurrence which might have taken place is of the year 2014 to 2016, filing this case in the year 2022 smacks of malafide and false implication. In the given facts and circumstances of the case, no case under the SC/ST (Prevention of Atrocities) Act is made out against the appellant and other



allegations are simply false and concocted. The appellant is having antecedent of one case which has been instituted by the husband of respondent no. 2 on the very same day when the present case was instituted. It also shows malafide nature of act of the respondent no. 2.

5. Learned Special PP as well as learned counsel for the complainant/respondent no. 2 vehemently oppose the submission made on behalf of the appellant. Learned counsel for the respondent no. 2 submits that there is specific allegation against the appellant for taking caste name of the complainant/respondent no. 2 and the appellant abusing and assaulting her and also defalcating the money given to him by the respondent no. 2.

6. Perused the record.

7. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the background of dispute, possibility of false accusation and dubious nature of the case, let the appellant above named, in the even of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Vaishali at Hajipur in connection with Complaint Case No. 96 of 2022, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 25.07.2025 is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2025
Transmission Date	11.11.2025

