

Court No. - 85

Case :- CRIMINAL APPEAL No. - 7886 of 2023

Appellant :- Ranjan Kumar Mishra

Respondent :- State of U.P. and Another

Counsel for Appellant :- Mohammad Waseem

Counsel for Respondent :- G.A.

With

Neutral Citation No. - 2023:AHC:219830

Case :- CRIMINAL APPEAL No. - 7587 of 2023

Appellant :- Manoj Kumar Mishra

Respondent :- State of U.P. and Another

Counsel for Appellant :- Mohammad Waseem

Counsel for Respondent :- G.A., Devesh Kumar
Shukla, Dharmesh Kumar Shukla

Hon'ble Mayank Kumar Jain, J.

1. Heard Mohammad Waseem, learned counsel for the appellant, Sri Abhishek Shukla, learned counsel holding brief of Sri Devesh Kumar Shukla, learned counsel for the informant in Criminal Appeal No. 7587 of 2023, learned Additional Government Advocate for the State of U.P. and perused the record.

2. These criminal appeals under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellants with the prayer to allow the aforesaid appeals and release the appellants on bail in Bail Application No. 3147 of 2023 (State Vs. Ranjan Mishra & Others), arising out of Case Crime No. 116 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., and Section 3(1)Da, 3(1)Dha, 3(2)(Va) of SC/ST Act, Police Station Sigra, District Varanasi.

3. There is an allegation in the F.I.R against the appellants that in the year 2020 when the informant was searching for a job appellant Ranjan Mishra informed him that his father Manoj Kumar Misra and another named person Ajay Kumar Mishra are the officers in Banaras Hindu University and they used to provide job in Banaras Hindu University. On making enquiry the appellant

Ranjan Mishra asked the informant to communicate with his father and brother. The informant provided his address to appellant Ranjan Mishra. Appellants came to the informant and made a demand of Rs. 10 lakhs for providing the job. On 21.08.2020, Rs. 1,50,000/- were transferred through R.T.G.S and thereafter in 29.02.2021 Rs. 1,50,000/- were given in cash and Rs. 1,30,000/- were given in different instalments. When the informant enquired about the joining, he was provided a forged appointment letter on 29.12.2021 by the appellants. On 18.01.2022, an additional amount of Rs. 1 lakh was given by the informant to the appellants. on 19.01.2022, when the informant reached at the orthopedic department, Banaras Hindu University for joining, he was informed that the appointment letter was forged. The informant asked the appellants to return his money and on 28.03.2023, he was addressed with caste related abuses and was also threatened.

4. Learned counsel for appellants has submitted that the appellants are innocent and have been falsely implicated in this case. They have not received any amount from the informant. Vide Supplementary affidavit, the bank account of Ajay Kumar Mishra is filed and he is the main person in this incident. His account statement discloses that Rs. 1,50,000/- were transferred in his account on 21.08.2020 and further Rs. 1 was also transferred on 04.03.2021. No amount was received by the appellants or transferred by the informant through R.T.G.S in their accounts. The informant during his statement under Section 161 Cr.P.C has stated that he has given the amount to Ajay Kumar Mishra, appellant Manoj Kumar Mishra is implicated in this case on the basis of some wats app chatting with one Manoj Kumar Srivastava. The appellants were not having knowledge about the incident prior to June, 2022. The recovery of so called forged appointment letter, seal and other articles are made on the pointing of co-accused Ajay Kumar Mishra. The appellants repeatedly requested Ajay Kumar Mishra to return the money to the informant as is apparent from the wats app chatting between Manoj Kumar Mishra and Manoj Kumar Srivastava. Some amount was returned to some other persons. The appellant Manoj Kumar Mishra has criminal history of one case which was lodged after the filing of the present case. The only allegation against the appellant Manoj Kumar Mishra is that he promised on behalf of Ajay Kumar Mishra. The appellant Manoj Kumar Mishra is working in Indian Textiles Com. Pvt. Ltd. and was not working in Banaras Hindu University. The appellants are languishing in jail since 30.06.2023 and in case they were released on bail, they will not misuse the liberty of bail and will cooperate in the early disposal of the case.

5. Per contra, learned A.G.A. assisted by learned counsel for the informant vehemently opposed the prayer for bail and submitted that appellants are the members of the gang who deceive the innocent persons on the pretext of providing job to them, usurp money from them. Rs. 4,30,000/- have been taken by the informant on the basis of false promise of providing him a job. It is also submitted that informant was also abused with caste related words when he asked the appellants to return his money. Such fraud is also being played with so many persons. The appellants are actively involved and connected with each other in this incident. It is also submitted that C.D.R discloses that appellant Manoj Kumar Mishra had conversation with informant and other aggrieved persons for number of times.

6. Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the active participation of the appellants in the commission of crime, I do not find it fit case for bail.

7. Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

8. Accordingly, the criminal appeal is dismissed.

9. However, the trial court is directed to expedite the trial and make every endeavour to conclude the same expeditiously without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellants, if there is no legal impediment.

Order Date :- 20.11.2023

PS