

Court No. - 85

Case :- CRIMINAL APPEAL No. - 9802 of 2023

Appellant :- Raj Kumar Mishra

Respondent :- State of U.P. and Another

Counsel for Appellant :- Mohammad Waseem

Counsel for Respondent :- G.A.

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the appellant, learned AGA for the State and learned counsel for the informant and perused the material placed on record.

2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant to allow the aforesaid appeal and release the appellant on Anticipatory Bail in Anticipatory Bail No. 4031 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 IPC and Sections 3(1)Da, 3(1)Dha and 3(2)(Va) SC/ST Act, Police Station Sigra, District Varanasi.

3. There is an allegation in the F.I.R against the appellant 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 use to provide job in Banaras Hindu University. On making enquiry 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 the appellant has submitted that appellant is innocent and has been falsely implicated in this case. It is also submitted that appellant is not named in the F.I.R. No money was received by the appellant and no money was transferred to his account. It is also submitted that all the allegations are made against the named persons while no role has been attributed to the appellant.

5. Per contra, learned A.G.A. has supported the order passed by the Sessions court and vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that the name of the appellant surfaced during investigation. The appellant along-with other co-accused who are named in the F.I.R were indulged in usurp form innocent persons on the basis of false promise of providing a job to them. There is specific allegation that appellant is also hurled caste related abuses to the informant.

6. On the basis of facts and circumstances of the case and considering the arguments advanced by the counsel for the parties, the appellant failed to establish prima-facie case to grant him anticipatory bail. Hence, in view of above consideration, the order of rejection of anticipatory bail passed by the court below dated 15.09.2023 is affirmed.

7. Having considered the submissions of the parties noted above, finding no force in the submissions made by the learned counsel for the appellant; without expressing any opinion on the merits of the case, the Court is of the opinion that the appellant is not entitled to be enlarged on anticipatory bail and the appeal deserves to be dismissed.

8. The criminal appeal is dismissed.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

Order Date :- 20.11.2023

PS