

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5667 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- BHOJPUR COMPLAINT CASE District-
Bhojpur

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1. HARIDWAR PRASAD @ HARIDWAR THAKUR, aged about 60 years, Male, S/o Late Sita Ram Thakur, R/o Mohalla- Paschim Tola Ara, P.S.- Ara Town, Dist- Bhojpur, Ara
 2. Avinash Kumar, aged about 19 years, Male, S/o Sri Haridwar Prasad @ Haridwar Thakur, R/o Mohalla- Paschim Tola Ara, P.S.- Ara Town, Dist- Bhojpur, Ara ... Appellants

Versus

1. THE STATE OF BIHAR
2. Manoj Kumar Rajak, aged about 39 years, Male, S/o Late Chhabila Prasad, R/o Mohalla- Bind Toli, P.S.- Ara Town, Dist- Bhojpur at Ara ... Respondents

Appearance :

For the Appellants : Mr. Ramchandra Singh, Adv.
For the Respondents : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-01-2020 Heard the learned counsel for the appellants and the learned Additional Public Prosecutor.

This criminal appeal, under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order, dated 25.11.2019, passed by the Additional Sessions Judge, I, Bhojpur at Ara, in ABP No. 2375 of 2019, arising out of Complaint Case No. 37(C) of 2018 registered under Sections 420, 405, 120B, 341, 323 and 504/34 of the Indian Penal Code and 3(1)X of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellants was refused.

In brief, the prosecution case is that the appellant has visiting term with the complainant, Manoj Kumar Rajak. In that



course the appellants asked to provide job of Computer Operator to the complainant saying that after issuing the appointment letter, Rs.1,50,000/- would be paid by the complainant. On 12.09.2017, the appellants handed over the letter for appointment of Computer Operator at Circle Office, Phulwarisharif, Patna, and made demand of cash of Rs.1,50,000/-, thereafter, complainant, Manoj Kumar Rajak, managed the amount of Rs.1,50,000/- and handed over to the appellants. At that time, on the instruction of appellant no. 1, Haridwar Prasad, his son, appellant no. 2, Avinash Kumar, also executed the agreement on the stamp paper regarding receiving the money. When complainant approached to Circle Office, Phulwarisharif, Patna, then, found that the appointment letter is forged, thereafter, complainant asked to appellants to return the money, but, he was abused taking his caste name.

The learned counsel appearing on behalf of the appellants submits that it is detailed in the complaint petition that the appointment letter was handed over for the post of Computer Operator in Circle Office, Phulwarisharif, Patna, but the complainant, who has been examined as DW 1, has stated in his deposition that the appointment letter was handed over in respect to job of his son and only Avinash Kumar, appellant no.



2, had approached him, not a single word has been disclosed against appellant no. 1 by Manoj Kumar Rajak in his evidence. In fact, the appellants and the complainant are co-villagers and due to petty dispute the present case has been lodged.

Having regard to the facts and circumstances of the case, the impugned order, dated ABP No. 2375 of 2019, arising out of Complaint Case No. 37(C) of 2018, is set aside the appeal is **allowed**.

Let the appellants, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with ABP No. 2375 of 2019, arising out of Complaint Case No. 37(C) of 2018 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge, I, Bhojpur at Ara, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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