

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1795 of 2020**

Arising Out of PS. Case No.-39 Year-2019 Thana- SC/ST District- Gaya

RATNESH @ SHASHIBHUSHAN Son of Shri Satish Prasad Singh Resident
of Village- Bhagwanpur, P.S.- Bhagwanpur, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 08-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 5.6.2020 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya whereby the prayer for bail of the appellant in connection with Gaya SC/ST P.S Case no. 39 of 2019 registered under sections 420, 406 and 504 of the Indian Penal Code and sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that he was called by the appellant to Patna and informed that there was allegation against the informant of possessing property disproportionate to his income and as a result an FIR may be registered against him soon after his retirement and he



as also his wife would be sent to jail. The appellant informed him that he would have to spend Rs. 80 lacs to save himself. It is stated that the appellant abused him in the name of his caste and started to torture him. Thereafter he took 40 post dated signed cheques of Rs. 2 lacs each and as and when the informant received his post retiral dues in his account, the amount was withdrawn. A sum of Rs. 12 lacs was given after six bounced cheques were returned by the appellant. It is stated that the appellant took Rs. 80 lacs.

It is submitted by learned counsel for the appellant that the allegation as levelled in the FIR are false and concocted. The appellant is the owner of Ms. Maa Tara traders company and the said firm has a bank account in the Bank of India. It deals in several businesses including that of stone chips. As the informant and the appellant were known to each other, the appellant had supplied stone on several occasions. It is submitted that the appellant had learnt that the cheques mentioned in the FIR, large number of cheques were given to different persons which shows that the informant was dealing with a number of persons. Further, referring to the supplementary affidavit it is submitted that after his retirement the informant was doing business with the appellant and he used



to purchase stone from him. The appellant is in custody since 29.2.2020.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and on perusal of the material that has transpired in course of investigation it transpires that a sum of Rs. 26 lacs debited from the account of the informant was credited by different cheques of Rs. 2 lacs each in the account of the appellant. The other persons who have received the other cheques of Rs. 2 lacs each have all stated that the cheques were given to them by the appellant herein. Thus, in the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail and the same is rejected.

(Partha Sarthy, J)

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