

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1232 of 2022**

Arising Out of PS. Case No.-173 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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JUHI SINGH D/o Gopal Singh Resident of Village - Near Old SDO Court, 26
A Grand Square, Danapur cum Khagaul, P.S.- Danapur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar Son of Harishankar Raut Resident of Village - Jagjivan Nagar,
P.S.- Nagar, Distt.- Bettiah, Distt.- West Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prince Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.02.2022 in A.B.P. No. 237 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Bettiah City P.S. Case No. 173 of 2020 registered under Sections 406, 420/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Learned counsel submits that appellant is a person with clean antecedent.



The informant alleges that CEO of EW Shopping Online Elder Wise Pvt. Ltd. took some advance money in his SBI account through one Sanjeev Kumar Raut for giving agency of Courier Point. Thereafter, the CEO came to Bettiah to inspect the place for opening a Courier Point and disclosed that Rs.2,50,000/- is the requirement by way of security deposit for one Courier Point and Rs.5,00,000/- for two Courier Points. It is alleged that he further assured that an agreement with the mother of the informant would be executed and the informant would be made Area Manager with salary of Rs.30,000/- and Rs.10,000/- would be given to the mother of the informant for two Courier Points. Further, on asking of the CEO, the informant gave Rs.2,50,000/- with the requisite documents as detailed in the FIR for opening the Courier Point. Further, the remaining Rs.2,50,000/- was paid to the CEO through PhonePe. It is alleged that the informant was called by the appellant at Patna with his educational qualification but thereafter he was informed that on account of being scheduled caste he cannot be appointed as Area Manager and when he asked to return his money he was refused saying that he belongs to lower caste and has high view and was not allowed to sit on chair also.

Learned counsel for the appellant submits that from



bare perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against the CEO of the Company and as far as this appellant is concerned against her it is alleged that she was working with the company and had called the informant for appointing him as an Area Manager with his requisite qualification but thereafter the appointment was declined on the ground that he belongs to lower caste. He further submits that from bare perusal of the allegation, it would manifest that whatever happened, happened in between the CEO and the informant within the office of the appellant and, as such, no offence under the SC/ST Act is made out as the occurrence did not take place in public view. He next submits that the CEO of the Company Rupesh Kumar was granted the privilege of provisional anticipatory bail vide order dated 26.03.2021 passed in Cr. Appeal (SJ) No. 1820 of 2021 with a condition that he will refund the amount which he had taken in five monthly installments through bank draft. He also submits that the appellant had worked in the company for a brief period of nine months and thereafter she got married and left the company.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned



counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of sex weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Satyavrat Verma, J)

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