

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2402 of 2023**

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District- Muzaffarpur

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1. RAJNISH JHA Son of Late Raj Kumar Jha Resident of Mohalla- Adarshgram, Road No. 01, Kolhua, Pagambarpur, PS- Ahiyapur, District- Muzaffarpur
  2. Nutan Jha Wife of Rajnish Jha Resident of Mohalla- Adarshgram, Road No. 01, Kolhua, Pagambarpur, PS- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pramod Kumar Son of Yogendra Ram Resident of Village- Dukhan Saraiya, PS- Paru, District- Muzaffarpur

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Pramod Kumar Singh |
| For the Respondent/s | : | Mrs. Usha Kumari 1     |
|                      |   | Mr. Dr. Bipin Chandra  |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      08-11-2023                      Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.04.2023 passed by learned Special Judge SC/ST (POA), Act, District- Muzaffarpur, in connection with SC/ST P.S. Case No.02 of 2023, registered under Sections 341,



323, 420, 419, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case is that, the appellants took money from the informant in order to get him admitted for GNM Post but later on failed to do so. When the informant went to the house of the appellants to demand his money back, he was abused by caste name and was also ill treated by them. It is alleged that the appellants run a fake institute in the name of Nutan Institute of Paramedical and Nursing and have taken money from many others like him.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He submits that there is no legal and documentary evidence of the money transaction. He further submits that the appellants have only received Rs.85,000/- from the informant and not Rs.5 lacs. Appellant no.1 has three criminal antecedent and appellant no.2 has one as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for bail.

6. Having regards to the facts and circumstances of the case as the appellants have criminal antecedent of similar nature of offence, therefore it is not a fit case for grant of anticipatory bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this appeal stands dismissed.

**(Anjani Kumar Sharan, J)**

shikha/-

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