

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3527 of 2023**

Arising Out of PS. Case No.-307 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Brajesh Dubey Son Of Sri Dhananjay Dubey Resident Of Village - Rajpur,
P.S. - Raghunathpur, Distt. - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Kameshwar Ram Son of Sri Bhola Ram Resident of village - Sahwan, P.S. -
Isuapur, Distt. - Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Akshansh Ankit

For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 09-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

for the informant.

2. The instant appeal has been filed by the

appellant against the order dated 01.07.2023 passed by

learned 3rd Additional Sessions Judge-cum-SC/ST Special

Court, Saran at Chapra whereby the prayer for bail of

the appellant in connection with SC-ST Trial No. 130 of

2022 (arising out of C. No. 307 of 2021) under Sections

420, 406, 506 of the Indian Penal Code and sections 3(1)

(r) of SC/ST Act was rejected.



3. The prosecution case in nutshell is that appellant works in ITBP and he lured the complainant to deposit Rs. 3,50,000/- in the bank account of the wife of the Appellant in lieu of securing a job for the son of complainant in ITBP. It is further alleged that appellant failed to secure a job for the son of the complainant and also refused to refund the money. It is also alleged that appellant abused him and took his caste name when the complainant demanded his money back.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. It is further submitted that wife of the Appellant is the proprietor of Pratik Enterprises which manufactures and supplies biscuits. The complainant had approached the appellant for supply of biscuits for re-sale and consequently, the complainant had made payments in the bank account of appellant in this regard. No any independent witness have been examined during the course of investigation. He has not taken the caste name of the informant in public view. No offence is made



out under the provisions of the SC/ST Act against him. Moreover, the appellant is languishing in judicial custody since 01.05.2023. A statement has been made in para 3 of the petition that petitioner has one criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.07.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with SC-ST Trial No. 130 of 2022 (arising out of C. No. 307 of 2021) on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran, Chapra.

8. Learned Trial Court is directed to verify the



criminal antecedent of the appellant at the time of filing of
bail bond.

(Sunil Kumar Panwar, J)

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