

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3451 of 2019

Arising Out of PS. Case No.-223 Year-2016 Thana- BAKHARI District- Begusarai

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ASHISH ANAND Son of Late Denanand Singh @ Saheb Singh Resident of Village - Parihara, P.S.- Bakhari, Distt - Begusarai at present A/3 Veena Apartment, Chandra Vihar Colony, Bartand Dhैया Road, P.S.- Dhanbad, Distt - Dhanbad, Jharkhand.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh Mr. Ritwik Thakur
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 22-10-2024 Heard learned counsel for the appellant Shri Ajay Kumar Thakur and learned Spl. P.P. SC/ST Act.

2. It has been informed to this Court that the informant of this case has died.

3. This application has been filed for quashing the order dated 11.7.2019 passed by the learned Special Judge SC/ST (POA) Act, Begusarai in Bakhari P.S. Case No. 223 of 2016 and also for quashing the order dated 16.09.2019 passed by the learned Special Judge, SC/ST Act, Begusarai.

4. As per the prosecution case, the appellant has cheated money from the informant on the name of providing job.



5. It has been submitted by the learned counsel for the petitioner that the the petitioner is innocent and has falsely been implicated in this case.

6. Relying on the judgments of this Court passed in the cases of *Vijay Sharma Vs. State of Bihar reported in (2011) 1 PLJR 780* and *Rubi Kumari Vs. State of Bihar reported in (2011) 1 PLJR 647*, learned counsel for the appellant further submits that the allegation of giving money for securing job does not make out an offence under Indian Penal Code.

7. Learned Spl. P.P. for the SC/ST Act opposes the application of the appellant.

8. I have heard and considered the submission of the parties.

9. So far as the appellant is concerned, there is no allegation levelled against him which make out an offence under SC/ST Act and so far as other allegations against the appellant are concerned, they are squarely covered by the judgment of this Court passed in the cases of *Vijay Sharma Vs. State of Bihar (Supra)* and *Rubi Kumari Vs. State of Bihar (Supra)*.

10. In view of the above, this application is allowed.

11. Accordingly, the order dated 11.7.2019 passed by the learned Special Judge SC/ST (POA) Act, Begusarai in



Bakhari P.S. Case No. 223 of 2016 and the order dated 16.09.2019 passed by the learned Special Judge, SC/ST Act, Begusarai are hereby quashed with regard to the petitioner only.

(Sandeep Kumar, J)

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