

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.133 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Muzaffarpur

PRAGATI KUMAR PRABHAKAR S/o Suresh Mishra Resident of Village-
Karnpura, P.S- Mahua, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Ramballi Ram, Resident of Village- Jata Pachhiyari Tola,
P.S. Gayaghat, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hemant Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P. Ms. Bela Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2024 1. Heard learned counsel for the appellant, Mr. Sadanand Paswan learned Special Public Prosecutor for the State and Ms. Bela Singh learned counsel appearing on behalf of the respondent no. 2.

2. 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 03.10.2023 in A.B.P. No. 2715 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case No. 15 of 2023 registered under Sections 323, 504, 506 and 120(B) of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST



Act.

3. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the respondent no. 2. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Samresh Kumar who is alleged to have duped the respondent no. 2 by convincing her that he along with the accused persons are running an organization in the name of Skysoft and since the sons of the respondent no. 2 are not doing anything as such her sons should get enrolled with the organization for completing the course and thereafter the sons would become eligible for appointment in the government service based on which the respondent no. 2 paid an amount of Rs.3,60,000/- to Samresh Kumar and her sons got enrolled with the Skysoft and thereafter an appointment letter was also given to them after completion of the course which subsequently was found forged and when the respondent no. 2 approached the accused persons including Samresh Kumar for returning the amount a cheque of Rs.1 lakh was issued which also on presentation for encashment bounced.

4. Learned counsel for the appellant submits that apart from the fact that the name of the appellant finds mentioned in



the FIR, no specific allegation is alleged against him. The allegation is general and omnibus in nature.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail and submit that it is a case where the respondent no. 2 was cheated in the name of an organization Skysoft which is being run by the accused persons including the appellant and they indulged in cheating poor people in name of giving training in pursuance whereof the candidate becomes eligible for a government job. Learned Spl.P.P. further submits that from perusal of the pleadings made in the memo of appeal, it would manifest that the appellant has not even remotely suggested that he is not associated with the organization Skysoft which amply demonstrates his connivance.

6. Considering the submissions made by the learned Spl.P.P. and the learned counsel appearing on behalf of the respondent no. 2, the Court is not inclined to allow the prayer for anticipatory bail to the appellant.

7. Hence, the instant appeal stands rejected.

(Satyavrat Verma, J)

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