IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.607 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- WARISLIGANJ District- Nawada
==

Anuj Singh S/o Ram Payare Singh Resident of village- Kurma, P.s. and District- Nawada

... ... Appellant/s

Versus

1. The State of Bihar
2. Judgal Ravidas S/o Kishun Ravidas R/o vill - Linepar Mirjapur, P.s.- Nawada Town, Distt.- Nawada

... ... Respondent/s
==

Appearance :
For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Binay Krishna
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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2025 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.

2. An order, dated 29.10.2024, passed by learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada, in ABP No. 2723 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Warisaliganj Police Station Case No. 401 of 2024 registered for the offence punishable under Sections 316(2), 318(4), 115(2), 126(2), 303(2), 352, 3(5) of the BNS, 2023 and Section 3 (i)(r)(s)(w) of the Schedule Caste/Schedule

Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the First Information Report-cum-Complaint, the complainant/respondent no. 2 visited the Maharashtra Decoration Agency for running a decoration shop at Nanaura Road, Mirjapur, Nawada, where appellant along with other accused persons were sitting. The informant started inquiring about the decoration agency where appellant, Area Manager of Maharashtra Decoration Agency, and another accused, Devendra Kumar, Regional Manager of the Maharashtra Decoration Agency, motivated the informant that they would arrange a loan of Rs. 3 lakhs from Maharashtra Decoration Agency if the respondent no. 2/informant deposits online a sum of Rs. 1,000/- for registration and further for the purpose of agreement, Rs. 90,000/- would be required to be deposited by respondent no. 2/ informant, thereafter a sum of Rs. 3 lakhs would be deposited in the bank account of the informant. As per the representation/direction of the appellant and other accused persons, the respondent/ informant transferred online a sum of Rs. 1,000/- in the account of Maharashtra Decoration Agency, thereafter, all the accused persons arrived at the house of the complainant cum informant/respondent no. 2. On 20.08.2024, all the three accused persons including the

appellant came at the house of the informant and demanded a sum of Rs. 90,000/- upon which respondent no. 2 gave Rs. 90,000/- in the hand of co-accused Devendra Kumar. Devendra Kumar after counting the money handed it over to the appellant who also counted the money and gave it to the third accused Shiv Shankar Verma. Shiv Shankar Verma kept the amount in his bag. All the three accused persons including the appellant assured the informant that the sum of Rs. 3 lakhs would be deposited in his bank account and collected the Aadhaar card, photocopy of the passbook, stamp paper etc. The allegation in nutshell is that all the accused persons including the appellant duped the informant in the name of providing loan of Rs. 3 lakhs.

4. Learned counsel for the appellant submits that sum of Rs. 90,000/- was given in the hand of co-accused Devendra Kumar as would be evident from the Complaint-cum-FIR. The allegation against the appellant is not specific in nature.

5. I have heard learned counsel for the parties and have gone through the materials on record. There is specific allegation against all the accused persons that they gave assurance to the informant that they would arrange a sum of Rs. 3 lakhs as loan from the Maharashtra Decoration Agency of

which the appellant and other accused persons were Distributor, Area Manager and Regional Manager. On the assurance and representation of the appellant and others, the informant deposited Rs. 1,000/- in the account of Maharashtra Decoration Agency and handed over Rs. 90,000/- to the accused persons including the appellant. Finding prima facie case against the appellant that he duped and cheated the informant of his huge amount of Rs. 91,000/-, I am not inclined to grant the appellant privilege of anticipatory bail.

6. This appeal is, accordingly, rejected and the order, dated 29.10.2024, passed by learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada, in ABP No. 2723 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

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