

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3512 of 2023

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

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Brajesh Dubey S/O Sri Dhananjay Dubey R/O Village- Rajpur, Ps.
Raghunathpur, Dist. Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kameshwar Ram S/O Sri Bhola Ram R/O Village- Sahwan, Ps. Isuapur,
Dist. Saran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Ashish Kumar Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 13-02-2025 Heard the parties.

2. The present appeal has been preferred:-

*“against the order dated 13.07.2022 passed in
SC-ST Trial No. 130/2022 (arising out of
Complaint Case No. 307 of 2021) passed by the
Learned Exclusive Special Judge S.C./S.T.
(POA), Saran at Chapra whereby and
whereunder cognizance has been taken under
Section 420, 406, 506 of the Indian Penal Code
and Section 3(1)(r) of the Scheduled Castes and
the Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the Appellant.”*



3. With the consent of the parties, both the Interlocutory Application as also the Appeal is taking up for final hearing.

4. As per the prosecution story, the complainant alleged that he belongs to the Scheduled Caste category while the appellant works in the Indo-Tibetan Border Police. In the year 2019, he lured the complainant to deposit Rs.3,50,000/- in the bank account of his wife (proprietor of Pratik Enterprises) for securing a job for his son.

5. However, he could not secure a job but refused to refund the amount. A *panchayati* took place on 14.12.2019 whereafter he provided cheques of Rs. 1,50,000/- and 2,00,000/- in favour of the son of complainant on 20.12.2019 but both got dishonoured.

6. When he attempted to get money back, the appellant threatened him on 31.08.2021 when the appellant had come at Civil Court, Chapra in connection with a case and the complainant confronted him, in the presence of the witnesses, he was abused and the caste name taken, which followed the complaint.

7. The learned court took up the matter and after examining the witnesses, cognizance was taken on 13.07.2022



which included four independent witnesses, the court came to the conclusion that the complainant has made out a case under section 420, 406 and 506 of the Indian Penal Code and section 3(1)(r) of the SC/ST Act and accordingly issued summon.

8. Aggrieved, the present appeal.

9. Learned counsel for the appellant submits that contrary to the claim that for allotment of franchise, the amount was given to his wife in her account, the same could not be done and the cheques were issued in his favour but due to insufficiency of fund, the same could not be encashed. However, no such abuse/taking caste name was made in the Civil Court campus.

10. Learned counsel for the complainant on the other hand submits that not only the complainant, four independent witnesses have supported the prosecution story, the fact that Rs. 3,50,000/- was transferred in the account of his wife and he also issued cheques to that amount pursuant to the *panchayati* took place in the village, in that background, the court concerned was fully justified in taking cognizance in the matter.

11. Learned counsel for the appellant submits that he shall be taking steps as both are known to each for an amicable settlement.



12. Be that as it may, it is for the appellant to decide whether he wants to get the matter settle or not. Presently, the Court is dealing with the cognizance order dated 13.07.2022 where the court concerned had given reason for having been satisfied it to be a fit case in which trial be commenced after the statement of the complainant as also four witnesses, in that background, when only summon has been issued and the opportunities are there for the appellants, the appeal has no merit. Accordingly, both the Appeal as also the Interlocutory Application stand dismissed.

(Rajiv Roy, J)

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