

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4547 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- AIRPORT District- Patna

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- 1 . ADITYA NARAYAN DHEERAJ @ ADITYA NARAYAN Son of Shri Ayodhya Kumar Resident of Village- Sandhya Sadan, Pillar No. 76, Sheikhpora, P.S.- Shastrinagar, District- Patna.
 2. Neeraj Kumar Son of Shri Ayodhya Kumar Resident of Village- Sandhya Sadan, Pillar No. 76, Sheikhpora, P.S.- Shastrinagar, District- Patna.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ajay Kumar son of Bhola Chaudhary resident of village-Rajapur, Mainpura, Milkipur Pakad, Now working as driver and attendant Knowledgegram International School, Nandlal, chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priyanka Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 09-10-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 21.10.2021 passed in a case registered for the offence punishable under sections 341, 342, 323, 379, 504, 506/34 of the Indian Penal Code and 3(i) (s)/3(2) (va) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely ,



Ajay Kumar alleged that on 21.09.2021, at about 11 AM, when informant went to meet appellant No. 1, no one was present at that moment, but all of a sudden, appellant Nos. 1 and 2 along with other co-accused persons came there and abused informant by caste name and also assaulted him. It is further alleged that accused persons snatched gold chain, ring and cash of Rs. 51,600/- from informant and threatened him with dire consequences.

4. It is submitted on behalf of appellants that both the appellants are own brothers. Appellant No. 1 is holder of the B. Tech in Electronic & Communication Engineering. He worked at TCS in USA for about 3 and half years and was also awarded scholarship in National talent Scholarship Examination. Appellant No. 2 is a Data Scientist. He pursued B. Tech and worked at Accenture of U.S. Firm and presently working at Bangalore and has been awarded certificate of best employee. After returning from America, Appellant No. 1 started his own business under the name and style of (*SAN CREATIVE SOLUTIONS PVT. LTD.*) of which he is director and supplies hardware and prepare departmental software for various government and private organizations. Informant of this case called Appellant No. 1 for the purpose of purchase of



hardware and software from his company and as per direction of informant, on 02.01.2021, appellant No. 1 supplied both hardware and software of worth Rs. 6,21,000/- but appellant was paid only Rs. 3,36,000/- and for the rest of remaining amount, a cheque of Rs. 2,84,000/- was given by one Ravindra Kumar but on 23.02.2021, the same got bounced at Muradpur Branch of Indian bank and when appellants went to ask about the same from Ravindra Kumar, he threatened appellants with dire consequences. It is further submitted that to avoid the payment of aforesaid remaining amount, informant, on the instance of Ravindra Kumar, lodged this false and concocted case against these appellants. Allegation of abuse and assault is general and omnibus. Rest of the allegations are ornamental in nature to make the case grave . Police after thorough investigation submitted final form and did not find the case true under SC/ST Act. It is not the case of the informant that any member of public was present at the time of incident, and as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is



allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III - cum-Special Judge, SC/ST Patna in connection with Hawai Adda Police Station Case No. 237 of 2021.

(Prabhat Kumar Singh, J)

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