

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.818 of 2025

Arising Out of PS. Case No.-493 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Ramashray Yadav @ Hridyanandan Singh Son of Ram Bachan Singh Village
-Leura , PS -Sasaram (M) , Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Shankar Ram Son of Sri Mandan Mohan Ram Village- karigaon,
Pusauli, Ps- Mohania, Dist- Kaimur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1338 of 2025

Arising Out of PS. Case No.-493 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Mukesh Kumar Son of Ramashray Yadav @ Hridyanandan Singh Village-
Leruan , PS -Sasaram , Dist -Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Shankar Ram Son of Sri Madan Mohan Ram Village -Karigaon ,
Pusauli , PS- Mohania , Dist -Kaimur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 818 of 2025)

For the Appellant/s : Mr.Rajani Kant Singh

For the Respondent/s : Mr.Syed Ashfaque Ahmad

(In CRIMINAL APPEAL (SJ) No. 1338 of 2025)

For the Appellant/s : Mr.Rajani Kant Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

7 25-02-2026 Heard learned counsel for the appellants, learned

counsel for Respondent No. 2 as well as learned Special Public

Prosecutor appearing for the State.

2. Since both these appeals arise out of Complaint



Case No. 23 of 2022, filed in the court of learned Chief Judicial Magistrate, Kaimur at Bhabhua, which was forwarded on 22.08.2022 under Section 156(3) CrPC for being registered, came to be registered as Mohaniya P.S. Case No. 493 of 2022, on 07.09.2022 at 04:00 PM, hence, they are being heard together and are being disposed of by a common order.

3. These appeals under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are directed against the orders dated 28.01.2025 and 21.02.2025 passed by learned Additional District and Sessions Judge, 1st-cum- Special Judge, Kaimur at Bhabhua, in A.B.P. No. 1890 of 2024, A.B.P. No. 336 of 2025, respectively, in connection with Mohaniya P.S. Case No. 493 of 2022, registered under Sections 420, 467, 468/34 of the I.P.C., under Section 138 of the N.I. Act read with Sections 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

4. As per the prosecution case, the informant has alleged that he is an unemployed literate person and belongs to the Scheduled Caste community and the appellant of Cr. Appeal (SJ) No. 1338 of 2025, namely, Mukesh Kumar, is son of



appellant of Cr. Appeal (SJ) No. 818 of 2025, namely, Ramashray Yadav @ Hridyanandan Singh, was known to him from before and he had taken rupees one lakh for some urgent work on 25.06.2021 and 26.06.2021 with an assurance that the same will be returned to him within one month, however, the said amount was not returned, whereas Ramashray Yadav @ Hridyanandan Singh, allured him for getting a job for him in his R.P.F. Department and took his educational certificates, photograph and Rs.15,000/-. Thereafter, after two months, the informant was told that the recruitment has been cancelled and on the pretext of his high links in the Patna Secretariat, Ramashray Yadav @ Hridyanandan Singh assured that he will get the informant recruited there on a Class IV post. It is alleged that thereafter, Ramashray Yadav @ Hridyanandan Singh sent an appointment letter to the informant through one Harendra Kumar and asked him to join in the Rural Works Department at Vishweshwaraiya Bhawan, Patna, by 24.09.2021, when the informant went to join, he came to learn that the said appointment letter was forged one and the informant asked the accused persons to return his total amount. Thereafter, it is alleged, that on 24.01.2022, Mukesh Kumar, handed over a cheque of his Kotak Mahindra Bank Account No. 4045303362



for an amount of rupees one lakh, however, when the informant produced the said cheque for clearance at his Bank of Baroda Account at Barhuli Branch, the same was dishonored due to insufficient balance. Thereafter, it is alleged, the informant served legal notice to the accused persons, but there was no response to it, rather, on 30.01.2022, Mukesh Kumar, came on a motorcycle with one person of criminal background to his house and abused him by taking caste name and threatened that how come he dared to send a legal notice to him, he will ruin the whole family, somehow, on the intervention of the witnesses, the informant could be able to save his life.

5. Learned counsel appearing for the appellants submits that the appellants are innocent and have falsely been implicated in this case. It has further been submitted that the appellants have never taken any amount from the informant and hence the question of payment/non-payment of the said amount does not arise. Moreover, learned counsel for the appellants submits that the appellants have never lured the informant promising a government job. It has also been submitted that even accepting the allegation to be true although the appellants denied the same, it would apparently be a case that the informant has entered into an immoral contract, which is not



enforceable in the eye of law, and the offence with respect to Section 138 of the N.I. Act is bailable in nature. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2 has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants have lured the informant to provide a government job and the appellant Mukesh Kumar gave a cheque, which ultimately bounced.

7. Considering the entire facts and circumstances of the case and the fact that there is no documentary evidence to suggest that any money was given to the appellants and the informant has entered into an immoral contract and the offences with respect to Section 138 of the N.I. Act being bailable in nature and the allegation of abuse by caste name does not appear to be within public view, let the above named appellants in the event of their arrest/surrender within a period of six



weeks be released 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 Additional District and Sessions Judge, 1st-cum- Special Judge, Kaimur at Bhabua, in connection with Mohaniya P.S. Case No. 493 of 2022, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

8. Accordingly, the appeals are allowed and the impugned orders dated 28.01.2025 and 21.02.2025 rejecting the prayer for grant of anticipatory bail to the appellants are, hereby, set aside.

(Praveen Kumar, J)

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