

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3366 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Saran

-
1. Arnesh Kumar Yadav @ Arnesh Kumar @ Anresh Kumar Son of Uma Nath Rai @ Uma Nath Yadav R/O Vill.- Ladpur, P.S.- Garkha, Dist.- Saran At Chapra Bihar
 2. Shailesh Kumar Pandit @ Shailesh Pandit Son of Phuldeo Pandit R/O Vill.- Mohiya, P.S.- Garkha, Dist.- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajdeo Ram Son of Babulal Ram R/O Vill.- Pirari, P.O.- Gopul, P.S.- Garkha, Dist.- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Mukesh Kumar Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 29-01-2026 Heard learned counsel for the appellants, learned Spl.PP for the State and learned counsel for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 04.06.2024, passed in a case registered for the offence punishable under Sections 323, 406, 420, 467, 468 and 120B of the Indian Penal Code and Section 3(i)(v)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of these appellants has been rejected.

3. As per the prosecution case, informant, namely *Rajdeo Ram*, alleged that all the named accused persons, including these appellants, induced him to invest money in their company with the assurance of lucrative returns. At the instance of the accused persons, the informant/Respondent No. 2 deposited more than 6 lacs rupees and when he went to receive the matured amount in the year 2017, the accused persons postponed the payment on one pretext or another and finally on 10.08.2020, when the informant went to take his money and called the accused persons to Garkha Bazar, all the accused persons came there, assaulted him and abused him by caste based slurs and thus, all the accused persons, including these appellants, cheated the informant and defalcated the invested amount.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. Moreover, as per allegations, the



alleged company fled away in the year 2017 whereas the present complaint petition was filed after inordinate delay of three years in the year 2020, which itself makes the entire prosecution case doubtful. The F.I.R. does not disclose that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that appellants are named in the F.I.R. with specific accusation that they, along with other accused persons, cheated the informant and defalcated a huge sum of money invested by him. Appellants also assaulted the informant and abused him by caste name. Appellant No. 1 is the authorized signatory who took deposits from the investors and Appellant No. 2 is one of the organizer of the company having his code as 10439.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation and gravity of



offence, the prayer for grant of anticipatory bail to the appellants
is rejected and this appeal is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

