

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4776 of 2021**

Arising Out of PS. Case No.-75 Year-2021 Thana- BARHARIA District- Siwan

Krishna Kumar Sharma Son Of Late Ramayan Sharma @ Narayan Resident  
Of Chandi, Police Station - G.B. Nagar, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ayub Ansari Son of Late Mobarak Miyan Resident of Village - Bhairpatti,  
Police Station - Mirganj, District - Gopalganj.
3. Nazir Ansari Son of Ayub Ansari Resident of Village - Bhairpatti, Police  
Station - Mirganj, District - Gopalganj.
4. Alam Sheikh @ Bholi Son of Khalkujama Miyan Resident of Village -  
Bhairpatti, Police Station - Mirganj, District - Gopalganj.

... .. Respondent/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Appellant/s  | : | Mr. Praveen Kumar, Adv.   |
| For the Respondent/s | : | Mr. Navin Kr. Pandey, APP |
| For the Informant    | : | Mr. Ajay Kr. Tiwary, Adv. |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL JUDGMENT**

**Date : 16-02-2026**

**1.** Heard the parties.

**2.** The present criminal appeal is being

preferred against the Impugned order dated 20.09.2021,

for cancellation of regular bail granted to Respondent no.

2-4 as passed in Barharia P.S. Case No. 75 of 2021

registered for the offences under sections 341, 323, 420,

504, 506, 34 Indian Penal Code and sections 3(1)(s)

SC/ST Act passed by the learned 1<sup>st</sup> Addl. Sessions



Judge, Siwan -cum- Special Judge SC/ST Act, Siwan.

**3.** Case of prosecution in brief that the appellant runs a clinic at *Chandi* Bazar where Respondent Nos. 2-4 came for treatment. During their visits, they claimed to work in passport renewal services and arranging travel to foreign countries. Influenced by their assurances, the informant and his brother entrusted them with passport renewals for about 100 persons and paid a total amount of ₹18,69,000 for visas and tickets, after which the accused sent them to Delhi with fake documents. Later, the accused called the informant and others near *Barhariya Yamuna Garh* temple to return the money and passports. The informant went there with several companions and a list of all aggrieved persons. Instead to settle the matter, the accused allegedly became angry, abused them using caste-based slurs, assaulted them with fists and slaps, threatened to kill them, and forced them to leave. The complaint claims that the entire amount was fraudulently taken under the



false promise of passport renewal and overseas travel arrangements.

**4.** Respondent/ O.P. No. 2-4 being accused in this case remains in custody since 11.08.2021 to 20.09.2021 for about two months.

**5.** Learned counsel for the appellant submitted that the factual aspects which was considered by learned trial court while granting bail was wrong for the reason that the learned trial court considered the fact that as there is no document to show the payment of money, therefore, the case of prosecution appears doubtful, but in fact from the email of one Md. Estekhar, the tickets were downloaded. It is further submitted that in fact the accused persons cheated 98 persons in the name of providing visa and passport for Gulf countries where the accused persons cheated them total for Rs. 18,69,000/-. It is submitted that a notice under anticipation was also given by informant/ appellant to accused/ opposite parties under section 80 of CPC (Civil



Procedure Code) but was of no result. Arguing further, it is submitted that the allegations of abusing in caste name to informant is also available.

**6.** Learned counsel for the O.P. Nos. 2-4 while opposing the present appeal submitted that the dispute between the parties is apparently civil in nature. It is submitted that it is nowhere mentioned in FIR, that how much amount was cheated from the informant rather he is raising the cause of other aggrieved persons who never came forward before the investigating agency/ police. It is submitted that the occurrence, in issues, nowhere suggest that same took place within the meaning of atrocities as defined within the meaning of SC & ST (Prevention of Atrocities) Act, and it was added out of oblique motive just to aggravate the allegations.

**7.** In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hitesh Verma vs. State of Uttarakhand and Anr. [(2020) 10 SCC 710]***,



***Karuppudayar vs. State Rep. by the Deputy Superintendent of Police, Lalgudi Trichy and Ors. [2025 SCC OnLine SC 215] and Gulam Mustafa vs. State of Karnataka and Anr. [2023 SCC OnLine SC 603]***

8. In view of aforesaid factual submission and by taking note of fact as no perverse appreciation of fact as alleged was made by learned trial court while granting regular bail through order under challenge, which is primarily civil in nature, accordingly, the present appeal is devoid of any merit and same stands **dismissed**.

9. Copy of this order be sent to court concerned henceforth, with copy of LCR, if any.

**(Chandra Shekhar Jha, J)**

Sudha/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 16.02.2026 |
| Transmission Date | 16.02.2026 |

