

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.381 of 2025**

Arising Out of PS. Case No.-12 Year-2023 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Awadhesh Ranjan Jha @ Awadesh Ranjan Jha S/o- Surendra Jha Resident Of Ram Jai Pratap Road, Alpana Bank Colony, Lane No 14, Ps-Rupaspur Danapur, Dist- Patna
  2. Aditya Anand S/o- Mahendra Kumar R/o- Gauri Shankar Niwas Chak Musalahpur Opp. Andhra Bank Ps- Kadamkuan Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhishek Kumar Paswan S/o- Sunil Paswan Raghopur Danapur cum Khagaul Patna Ps- Shahpur Dist- patna P/A- Araya Samaj Mandir Road RPS More Danapur, Patna

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ram Nibash Prasad, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY  
ORAL ORDER**

2 24-02-2025

Heard the parties.

2. The appeal has been preferred:-

*“on behalf of the appellants above named against the order dated-02.08.2024 passed by Shri. Pankaj Chauhan, Exclusive Special Judge (S.C. / S.T Act), Patna in Complaint Case No.12(C) of 2023 whereby and where under the learned Special Judge took cognizance under section-341 / 323 / 417 of the Indian Penal Code and Section-3 (1) (R), 3 (2) (va) of the S.C / S.T, Act and issued*



*process against the Appellants.”*

3. As per the prosecution story, the complainant alleged that the complainant/appellants were running a partnership firm with complainant having 40% share while the appellants were holding 30% share. Certain payments were made for making payment to Electricity Department, but later the complainant came to him that he has been duped. Upon demand, the appellants chose to make payment but later started looking other way. The further allegations is that so far as the appellant, Mr. Awadesh Ranjan Jha is concerned, he had taken Rs.50,000/- in cash and returned certain amount while more than half of the sum remained pending.

4. The specific allegation is that on 01.03.2023, upon knowledge that the appellants are present behind Phulwari jail went there and requested for payment while taking caste name, he was threatened. As he chose to return home at Jagdeo Path, both the appellants intercepted along with two other unknown and threatened of dire consequences. Further allegations is that inadvertently, his hand touched the water bottle of appellant Aditya Anand, he took caste name and threw the water from the said bottle on the informant. It was seen by two of his staffs present there. He tried to lodge FIR before Airport Police



Station as also Senior Superintendent of Police, SC/ST Police Station, Gardanibagh, but having failed to do so, the complaint.

5. The Court took up the matter and *vide* order dated 02.08.2024, having *prima facie* found that a case is made out, took cognizance.

6. Aggrieved, the present appeal.

7. It is the case of the appellants that the story is other way around, the complainant had done certain fraudulent acts for which he was thrown out of the partnership and aggrieved, the present complaint.

8. In that background, the Court erred in taking cognizance dated 02.08.2024.

9. Learned Spl. P.P. Mr. Binay Krishna, on the other hand, opposes the prayer submitting that there are two parts of the story, one the financial transaction, in which admittedly, both the appellants have taken money and later failed to return. However, there is another serious allegation that not only he was intercepted and threatened, taking caste name, the water from the bottle was thrown on his body, only because he touched it. In that background, the Court was fully justified in taking cognizance in the matter.

10. Having heard the parties and perusing the records,



the points raised by learned Spl. P.P., is worth consideration. The allegations is not only of financial transaction and/or return of the money, the further allegation is that he was intercepted by the two accused/appellants and taking caste name, threatened of dire consequences. Further, when the complainant inadvertently, touched the water bottle. Infuriated, the water was thrown and abuse took place.

11. In that background, no interference is required. Cr. App (SJ) No. 381 of 2025 as also Interlocutory Application No.01 of 2025 stand dismissed.

**(Rajiv Roy, J)**

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