

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32118 of 2014

Arising Out of PS.Case No. -102 Year- 2012 Thana -RAHIKA District- MADHUBANI

- =====
1. Vijay Sah son of late Laxmi Sah
 2. Uma Shankar Sah son of Late Laxmi Sah
 3. Mintu Sah @ Mintu Kumar son of Uma Shankar Sah
 4. Tinku Sah @ Pinku Kumar Sah son of Uma Shankar Sah
 5. Golu Sah @ Golu Kumar Sah son of Vijay Sah
 6. Gudan Kumari Daughter of Vijay Sah All resident of village Basauli,
P.S. Rahika, District - Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. Ashok Paswan son of Late Maksudan Paswan resident of village Basauli
Ghat, P.S. Rahika, District Madhubani

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dineshwar Prasad Singh

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

2 05-07-2017

The petitioners have challenged the order dated 25.06.2014, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in Trial No.310 of 2014, arising out of Rahika P.S. Case No.102 of 2012 whereby he rejected the petition filed under Section 228 Cr.P.C. holding therein that also prima facie case under Section 3(i)(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out.

Learned counsel for the petitioners submits that there is no allegation in the First Information Report that the petitioners insulted the informant and his sister in public view rather the alleged occurrence took place inside the house of accused persons.



Learned Additional Public Prosecutor submits that there is *prima facie* case against the petitioner also under Section 3(i)(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It appears from the perusal of the First Information Report that alleged offence was not committed inside the house rather out side and in public view, petitioners are alleged to have abused the informant naming his caste, so rightly the 1st Additional Sessions Judge-cum-Special Judge, Madhubani has refused the prayer made by petitioners by rejecting the petition filed under Section 228 Cr.P.C.

This quashing petition stands dismissed.

(Arun Kumar, J.)

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