

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42357 of 2014

Arising Out of PS.Case No. -66 Year- 2011 Thana -MOTIPUR District- MUZAFFARPUR

=====

Rajendra Bhagat @ Anil Bhagat S/o Sri Kuldeep Bhagat resident of
Village - Anjana Kot, P.S. Motipur, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar S/o Sukdeo Choudhary resident of Village - Anjana Kot,
P.S. Motipur, District - Muzaffarpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate

For the Opposite Party/s : Mr. Navin Kr.Panday (APP)

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-11-2017 This petition under Section 482 of Code of Criminal Procedure has been filed for quashing the order dated 03.09.2014 passed by the 1st Additional Sessions Judge-Cum-Special Judge, SC/ST Act, Muzaffarpur in Session Trial No. 225 of 2014 , Trial No. 22 of 2014 by which a petition under Section 227/228 of Code of Criminal Procedure has been dismissed.

2. Briefly stated, the facts of the case is that the informant opposite party No. 2 Arun Kumar lodged a written complaint before Officer-in-Charge, Motipur Police Station on 01.05.2011 alleging therein that Anil Bhagat @ Rajendra Bhagat (Petitioner) has been cultivating his land on lease, but he did not pay the lease amount. On account of non payment of lease amount, wheat has



been destroyed in the field.

3. It has further been alleged that if informant opposite party No. 2 pays to the petitioner the lease amount only then he will be permitted to harvest the wheat but on 01.05.2011 petitioner and some miscreants started harvesting the wheat crop, upon which the informant objected, thereafter petitioner abused him by his caste name and also assaulted him by Farsa on his head and he sustained head injury and became senseless and also snatched his golden chain and when he was in hospital and being treated by the doctor, accused persons entered into the hospital and assaulted his family members but when police came there they fled away.

4. On the basis of above written complaint, police registered Motipur P.S. Case No. 66 of 2011 under Sections 447, 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code and under Section 3(x) of SC/ST Act against two accused persons on 02.05.2011. The petitioner has also lodged an F.I.R. before Ahiyapur Police Station on 02.05.2011 which was forwarded to Motipur Police Station for registering a case by the S.H.O. of Ahiyapur Police Station and the same has been registered as Motipur P.S. Case No. 78 of 2011 dated 07.05.2011 under Sections 147, 148, 149, 447, 341, 323, 324, 307/504 of the Indian Penal Code against the informant opposite party No. 2.



5. After investigation the police has submitted charge sheet against the petitioner in Motipur P.S. Case No. 66 of 2011 under Sections 447, 341, 323, 324, 504/34 of the Indian Penal Code and under Section 3(1)(x) of the SC/ST Act.

6. The petitioner had filed an application Section 227/228 of Code of Criminal Procedure in which he has stated that from statement of witnesses recorded in para 7 to 11 of case diary it would be evident that no case under SC/ST Act is made out, as such, prayer was made to discharge them from the offences under SC/ST Act. The court below after going through the materials available on record and also statement of witnesses and evidences collected during investigation has found that cognizance of the offence was taken under Sections 447, 341, 323, 324, 504/34 of the Indian Penal Code and Section 3(1)(x) SC/ST Act against petitioner and thereafter case was committed to the Court of Sessions (Sessions Judge) and after going through the materials available on the record statement of witnesses recording during investigation and evidences collected during the investigation Special Court has found that there are sufficient evidences in order to constitute offences against SC/ST Act and thereafter dismissed the petition of petitioner filed under Section 227/228 of the Code of Criminal Procedure.



7. Considering the facts and circumstances of the present case and after going through the order passed by the Sessions Court (Special Court), I am not inclined to interfere in the order passed by the Special Court and as such the present petition filed under Section 482 of Code of Criminal Procedure is dismissed.

8. The petition stands dismissed.

(S. Kumar, J)

veena/-

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

