

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55938 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

1. Ramji Singh Yadav, S/o Kailash Singh Yadav

2. Ramashankar Singh S/o Mudrika Singh

Both Resident of Village- Kopwoan, P.S.- Dumraon, District- Buxar.

.... Petitioners

Versus

1. The State of Bihar

2. Soni Devi, wife of Balmiki Mochi, Resident of Village- Raksiya, P.S.- Dulhin Bazar, Paliganj, District- Patna.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

Mr. Abhiprav Singh, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the petitioners and learned
Special Public Prosecutor for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 18.10.2016 passed by the learned Special Judge, (SC/ST Act), Kishanganj in SC/ST Case No.05 of 2016 by which he has summoned the petitioners in exercise of powers conferred under Section 204 of the Cr. P.C. under Sections 376/511 of the Indian Penal code and Sections 3(1)(e)(r)(s)(w) and 2(iv)(a) of the Scheduled Castes and Scheduled (Prevention of Atrocities) Act, 1989 (for short 'the Act').



In view of the ratio laid down by this Court in **Bisheshwar Mishra and Anr. vs. State of Bihar [(2016) 4 PLJR 1058]** and in view of statutory provision prescribed under Section 14-A(1) of the Act, the instant application in its present form under Section 482 of the Cr.P.C. is not maintainable. It is dismissed, accordingly.

However, the petitioners would be at liberty to challenge the impugned order by filing an appeal under Section 14-A(1) of the Act before this Court.

It is needless to say that this Court has not applied its mind to the merits of the case.

In case the petitioners file a photostat copy of the impugned order dated 18.10.2016 as contained in Annexure-3 to the present application, the Registry is directed to place the same on record and return the certified copy to the counsel for the petitioners without any delay.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2017
Transmission Date	06.12.2017

