

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17465 of 2014

Arising Out of PS.Case No. -118 Year- 2012 Thana -VIDYAPATINAGAR District- SAMASTIPUR

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1. Shivjee Singh,
 2. Shankar Singh,
 3. Hare Ram Singh,
 4. Shree Ram Singh,
 5. Jai Ram Singh, all are sons of late Yogendra Singh, all are residents of village-Mirzapur, P.S.- Vidyapati Nagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Mahto, son of Amarnath Mahto, resident of village-Makalipur, P.S.-Vidyapati Nagar, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl. PP
Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.02.2014 passed by the Sessions Judge, Samastipur, in Cr. Revision No.364 of 2013, which was filed against the order dated 23.04.2013 passed by the Additional Chief Judicial Magistrate, Dalsinghsarai, in Vidyapati Nagar P.S. Case No.118 of 2012 by which the learned Magistrate has taken cognizance against the petitioners for the offence under Section(s) 341, 323, 427/34 Indian Penal Code and 3(i)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.



2. This petition under Section 482 Cr. P.C. is in the garb of second revision application.

3. Counsel for the petitioners has submitted that no offence under Section(s) 3(i) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is made out in the case as there has been no abuse by the accused persons to the informant at public place.

4. From the written report, it appears that the petitioners while taking caste name of the informant at a public place told that they will assault the member of a particular community. The informant as well as the petitioners are the Tempo drivers and it is apparent from the written report that altercation had taken place for plying Tempo. In the altercation, the accused persons (petitioners) were speaking in a public place that they will assault the member of a particular community if they will ply the Tempo.

5. Therefore, this Court does not find any illegality in the impugned order(s) passed by the learned Court below.

6. The application is, accordingly, dismissed.

7. Petitioners are given liberty to raise all the points, as raised in the instant application, at the time of framing of Charge in the Court below, which shall be considered in accordance with



law without being prejudiced by this order.

J.Alam/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-08-2017
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