

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3211 of 2017

Arising Out of PS.Case No. -272 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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1. Mithilesh Yadav, Son of Mahendra Yadav.
2. Ganga Yadav, son of Late Madan Yadav,
3. Upendra Yadav, son of Late Madan Yadav,
4. Suresh Yadav, Son of Late Patali Yadav.
5. Sudhir Yadav, Son of Late Patali Yadav. All resident of Village Jai Krishnapur, Kataha, P.S. K. Nagar (Champa Nagar), District- Patna.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Kamal Kishore Jha, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-12-2017

Heard learned counsel for the parties.

The appellants are accused in connection with SC/ST 148 of 2016 arising out of K. Nagar (Champa Nagar) P.S. Case No.272 of 2016 registered under Sections 147,341,323,504 of the Indian Penal Code as well as under Sections 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order dated 03.07.2017, the learned Special Judge has taken cognizance against the appellants for the aforesaid offences for the reason that there was sufficient material in the case diary for taking cognizance.

Learned counsel for the appellants has assailed



the impugned order on two counts, firstly, that the police after investigation of the case did not send the appellants for trial and submit final form, as no material was found during course of investigation. Secondly, on the ground that the offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out against the appellants.

According to FIR, the informant was local Sarpanch. The appellants' side were constructing their house. The appellants abused and attempted to assault the informant by taking his case name and threatened saying that if the informant has become Sarpanch, he is not a very big person. The reason for the occurrence is that one Bhawesh Yadav was constructing a pucca house by the road side by encroaching upon the road, which was protested by the informant being local Sarpanch. The aforesaid fact has come in the case diary.

The perusal of the case diary would reveal that the witnesses Leelanand Yadav, Pradeep Yadav, Amardeep @ Chhotu Yadav and Chaturanand Yadav have categorically stated before the police that the appellants intimidated the informant by taking his caste name and thrashing him at the place of occurrence.

Without disclosing the mind of the Court



regarding the disclosure of ingredients of offence, which may prejudice the mind by the Trial Judge, in my view, I do not find any merit in this appeal, which accordingly stands dismissed.

(Birendra Kumar, J)

Nitesh/-

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