

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37335 of 2014

Arising Out of PS.Case No. -7 Year- 2014 Thana -SC/ST District- BHAGALPUR

=====

Prem Chand S/O Late Kunjan Chouhan R/O Village- Tandwa, P.S.- Bilorijha, Ratanpura, District- Mau (U.P.), at present Headmasta in-charge, Ramsundar High School, Rampur, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjani Kumar Ranjan S/O Anil Kumar Harizan, Resident of Village- Shobh Nathpur, P.S. Kahalgaon, District- Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachanjee Ojha, Adv.

For the Opposite Party No.1 : Mr. Ashok Kumar, APP

For the Opposite Party No.2 : Mr. Mukesh Kr. Jha, Adv.

Mr. Tarun Pd. Mandal, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date: 30 -08-2017

The opposite party No.2, namely, Anjani Kumar Ranjan, had filed a complaint before the Officer-in-Charge, SC/ST Police Station, Bhagalpur, inter alia, alleging therein that while he was posted at Ramsunder High School, Rampur, Bhagalpur and was working as Hindi teacher, a farewell function of Shri Dinesh Prasad Mandal was taking place on 31.01.2014, for which he was to come with garland of flower to the school and when he reached the school at about 11 AM, the petitioner herein, the Incharge of the School, started abusing him and also abused him by taking his caste name as well as pushed him and told that he would not permit him to make



attendance. It has been further alleged that the petitioner herein abused him by taking his caste name in presence of other teachers of the school and thereafter started mentally harassing him.

2. On the basis of the aforesaid complaint, an FIR, bearing SC/ST P.S. Case No. 7 of 2014 dated 03.02.2014 was registered for the offences punishable under Sections 341, 323 and 504 of the Indian Penal Code as well as Section 3 (i) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short 'SC/ST Act').

3. The learned court of Chief Judicial Magistrate, Bhagalpur, by an order dated 11.07.2014 has taken cognizance for the offences under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act against the petitioner herein.

4. The aforesaid order dated 11.07.2014 is under challenge in the present proceedings.

5. The learned counsel for the petitioner has submitted that the present case is a case of mala fide prosecution inasmuch as the petitioner had made complaint to the higher authority regarding Opposite Party No.2 coming late to the school as well as the petitioner herein being an outsider i.e. resident of Uttar Pradesh and during the course of discharging his duties as Acting Headmaster of the aforesaid school, he had tried to infuse discipline among the teachers.



6. Per contra, the learned counsel for the Opposite Party No.2 has submitted that a bare perusal of the complaint/ FIR definitely makes out a triable case as against the petitioner herein.

7. I have perused the materials on record as well as the impugned order dated 11.07.2014. Firstly, a bare perusal of the complaint/ FIR would show that the allegations levelled therein definitely constitute a prima facie case against the petitioner herein as well as discloses commission of a cognizable offence, hence, the criminal prosecution launched against the petitioner does not warrant any interference. Reference in this regard be had to a judgment reported in *1992 Supp (1) SCC 335 (State of Haryana v. Bhajan Lal)*. Secondly, the learned trial court has taken cognizance against the petitioner under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act by an order dated 11.07.2014 only after filing of the charge sheet by the police wherein a prima facie case has been found out against the petitioner herein. Lastly, the present case cannot be said to be a case of mala fide prosecution inasmuch as no prior case appears to have been lodged by the petitioner herein leading to lodging of the present malicious prosecution. I may hasten to add that there are enough materials on record so as to warrant trial of the case.

8. For the reasons mentioned herein above, I do not find



any merit in the present petition. The petition is dismissed. However,
there shall be no order as to costs.

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	23-08-2017
Uploading Date	31-08-2017
Transmission Date	31-08-2017

