

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.379 of 2018

Arising Out of PS.Case No. -496 Year- 2016 Thana -AMARPUR District- BANKA

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1. Ranjeet Choudhary S/o Late Kanta Prasad Choudhary
 2. Sanjay Choudhary
 3. Bipin Choudhary @ Bipin Chandra Choudhary Both Sons of Bhothari Choudhary @ Mothari Choudhary
 4. Chhotu Kumar @ Chhote Kumar @ Amar Kumar S/o Sanjay Choudhary
 5. Sikul Kumar @ Brajesh Choudhary S/o Bipin Choudhary
 6. Paswan Choudhary S/o Late Kanta Prasad Choudhary All resident of Village- Mohaddinagar, Gopalpur, P.S. Amarpur, District Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Shekhar Anand

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2018

Heard learned counsel for the parties.

This appeal is directed against order dated 06.06.2017 whereby the learned 1st Additional Sessions Judge-cum-Special Judge, under SC/ST Act, Banka has taken cognizance against the appellants in Amarpur P.S. Case No. 496 of 2016 for offences under Sections 147, 149, 323, 354, 337, 504, 506 of the Indian Penal Code as well as under Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is no dispute that the FIR discloses commission of offence as alleged. There is further no dispute that the police after investigation submitted charge sheet in the case. It is also not controverted that the learned court below has considered the material in the case diary while taking cognizance against the appellants.

The challenge is on the ground that the same informant is in the habit of lodging one case after another against the appellants, some time implicating more family members and some time fewer one for land dispute between the parties.

The aforesaid cannot be a ground to interfere with the impugned order at this stage. A case of malicious or frivolous prosecution can be examined only after trial.

Hence, in my view, this appeal has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

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