

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1203 of 2016**

Arising Out of PS.Case No. -202 Year- 2012 Thana -KRITYANAND NAGAR District- PURNIA  
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1. Bipul Kumar Choudhary, Son of Devendra Prasad Choudhary
2. Bhavesh Prasad Choudhary, Son of Late Rajendra Prasad Choudhary  
Both resident of Village Amchura, P.S. K. Nagar, District - Purnea.
3. Md. Tofique Alam, Son of Late Ishaque, resident of Village Bairgachhi,  
P.S. K. Nagar, District - Purnia.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Babita Kumari

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      03-01-2018

Heard learned counsel for the parties.

The appellants are aggrieved by refusal of the prayer for discharge by order dated 08.09.2016 passed by the learned Additional Sessions Judge-1<sup>st</sup>-cum-Special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Purnea in connection with Sessions Trial No. 297 of 2015 arising out of K. Nagar P.S. Case No. 202 of 2012 registered under Sections 447, 323, 504 of the Indian Penal Code and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission of the learned counsel for the appellants is that the complaint based FIR would reveal that the offences



alleged are not made out. The police did not send up the appellants for trial. However, the learned Magistrate disagreed with the police report and took cognizance against the appellants. Thereafter the prayer for discharge was refused in a mechanical manner.

Perused the case diary. I find that there is material in the case diary to disagree with the police report submitted under Section 173 Cr.P.C. as well as for refusal of prayer for discharge. Therefore, this Court is not inclined to interfere with the impugned order.

Accordingly, this appeal stands dismissed.

**(Birendra Kumar, J)**

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