

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3264 of 2018

Arising Out of PS. Case No.-572 Year-2017 Thana- ARA NAGAR District- Bhojpur

Saroj Yadav, Son of Ramashankar Yadav, Resident of Village- Keshopur, P.S.-
Barhara, District- Bhojpur. At present M.L.A. of Barhara Constituency.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the order dated 14.06.2018 passed by the learned 1st Additional Sessions Judge, Ara in SC/ST Case No.146 of 2018, arising out of Ara Town Police Station Case No.572 of 2017.

The appellant has challenged the cognizance order passed in connection with Ara Town Police Station Case No.572 of 2017 registered under Sections 341, 323, 353, 504, 506, 427/34 of the Indian Penal Code to the extent that cognizance for offence under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not disclosed in the F.I.R., as such the same is bad in law.



The informant is a Sub-Inspector of Police. He was checking the vehicles in exercise of power under the provisions of Motor Vehicles Act. The appellant who was an M.L.A. also came in trap of the Police and when his vehicle was being checked, the appellant abused the informant and obstructed the Police in discharge of their official duties.

Submission is that there is no material that appellant had knowledge of the caste of the informant, nor there is any such allegation in the F.I.R. Therefore, the submission of charge sheet and cognizance order for the offence under the provisions of the S.C./S.T. Act is not sustainable, as the same is not based on the material on record.

At the time of hearing on charge, the court below shall pass a reasoned order, as to how offences under the provisions of S.C./S.T. Act is prima facie made out against the appellant.

With the aforesaid observation, this appeal stands disposed of without any interference with the impugned order at this stage.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

