

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1915 of 2018

Arising Out of PS.Case No. -20 Year- 2014 Thana -SC/ST BAGHA District - WESTCHAMPARAN (BETTIAH)

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1. Suresh Yadav,
 2. Lalan Yadav
 3. Sharwan Yadav
 4. Ramdhani Yadav, All four Sons of Vidhyachal Yadav, Residents of Vill. - Jura, P.S. - Bhairoganj, District - West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.
2. Feku Ram, S/o Late Badari Ram, R/o Vill. - Jura, Bhairoganj, District - West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Vijay Kumar Singh No. 1, Advocate
For the Respondent/s : Smt. Usha Kumari No. 1, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-08-2018

Heard learned counsel for the parties.

This appeal has been preferred against the order dated 07.07.2017 passed in Sessions Trial No. 133 of 2016/CIS No. 106 of 2016 arising out of Bagaha SC/ST P.S. Case No. 20 of 2014 whereby the learned Special Judge-cum-1st Additional Sessions Judge, West Champaran at Bettiah has declined the prayer of the appellants to discharge them.

Allegation in the FIR is that the informant was putting a thatch on the roof of his house which was protested by the appellants and for that reason, the appellant no. 1 Suresh Yadav attempted to assault with *farsa*. However, the villagers came and



stopped them. Further allegation is of pelting the stones and commission of threat by taking caste name. The aforesaid fact has been supported by other eye-witnesses which has come in the impugned order also.

Learned counsel for the appellants submits that to establish a prima facie case for framing of charge under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”), there must be evidence that the appellants had knowledge of the caste of the informant and the occurrence must have taken place in public place.

The evidence of other eye-witnesses before the police would reveal that the occurrence took place in their presence, hence, it was in public view. There is presumption of knowledge of caste of the victim under Section 8(C) of the SC/ST Act when the accused had personal knowledge of the informant as in the present case. Both sides are the resident of the same village. The case diary would reveal that land dispute between the parties is reason for the occurrence vide statement of eye-witnesses in para 22 of the case diary. Therefore, prima facie, it would be presumed that the appellants have knowledge of the caste of the informant.

Learned counsel for the appellants further submits



that the impugned order suffers from non-application of mind as the same does not contain reason for the order and material which was looked into.

The law is well settled that for refusal of prayer for discharge, the trial court is not required to record detail reasons and detail material. The material disclosed in the impugned order, in brief, would suffice the requirement. Hence, I do not find any merit in this appeal. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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