

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14565 of 2015**

Arising Out of PS. Case No.-66 Year-2013 Thana- SC/ST District- Begusarai

Yogendra Singh S/o Late Suresh Pd. Singh R/o vill- Sokahara, P.s -Fulwaria,
Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Ram Shankar Das Spl.Pp

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 20-06-2019

Heard.

The petitioner is challenging an order taking cognizance, passed by the learned Judicial Magistrate, 1st Class, Begusarai dated 05.09.2013 in SC/ST P.S. Case No. 66 of 2013 as well as an order dated 15.12.2014, passed by the learned Sessions Judge, Begusarai in Cr.Rev. No. 335 of 2014, whereby he has affirmed the said order taking cognizance.

Learned counsel for the petitioner has drawn my attention to the FIR and has submitted that even if what has been alleged in the FIR is treated to be correct, no offence under the provisions of the SC/ST Act is made out against this petitioner. Though there is such allegation against the co-accused Babu Saheb.



The police, upon completion of investigation, has submitted the charge-sheet, based on which cognizance has been taken. The impugned order taking cognizance, passed by the learned Judicial Magistrate 1st Class, cannot be said to be illegal, as it cannot be said that the allegation made in the FIR and the materials collected in course of investigation do not constitute any offence. Whether there is any material to suggest that the petitioner has committed the offence or not, can certainly be seen at the time of framing of charge. If the material does not suggest the commission of the offence by this petitioner, there would be no question of framing of charge against him.

This application is accordingly disposed of with the observation that the petitioner shall be at liberty to raise the point, which he has taken in the present application at the time of framing of charge, and if any objection is filed for discharge, then the court shall proceed in accordance with law.

(Chakradhari Sharan Singh, J)

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