

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3941 of 2019

Arising Out of PS. Case No.-318 Year-2016 Thana- NAUTAN District- West Champaran

BHOLA SAH Son of Late Raghubir Sah Resident of Village - Jhakhara,
Kachahari Tola, P.S.- Jagdishpur, District - West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 28-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer of discharge by order dated 19.07.219, passed by learned 1st Additional Sessions Judge, West Champaran at Bettiah, in Trial No.293 of 2018, arising out of Nautan Jagdishpur Police Station Case No.318 of 2016, registered under Sections 341/323/324 /504 /506 /448 / 354B/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant started hurling abuses to the informant, a member of the scheduled caste, and other co-culprits caught the informant and attempted to took her



inside the room. However, on alarm of the informant others reached there. Till then the informant was assaulted by all the accused persons.

Submission of the learned counsel for the appellant is that there is case and counter case. No motive has been assigned for the alleged occurrence. The appellant has been falsely implicated due to village politics as the appellant was a candidate for the post of Mukhiya on the last election.

The probable defence can be looked into only at the appropriate stage of trial and not at the stage of framing of charge. The only consideration is whether prima facie accusation is made out against the accused persons or not.

Therefore, I do not find any merit in the submission aforesaid.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

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