

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.60 of 2020

Arising Out of PS. Case No.-106 Year-2017 Thana- SC/ST District- Begusarai

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1. RAGHBENDRA PRASAD SINGH @ RAGHWENDRA PRASAD SINGH
Son of Late Bhuvneshwari Prasad Singh Resident of Mohalla- Rajendra
Nagar, Gachhi Tola, Ward No. 32, P.S.- Town, District- Begusarai.
 2. Abhishek Kumar @ Abhishek Raghav Son of Raghbendra Prasad Singh
Resident of Mohalla- Rajendra Nagar, Gachhi Tola, Ward No. 32, P.S.-
Town, District- Begusarai.
 3. Abhinav Kumar Raghav @ Abhinav Kumar Son of Raghbendra Prasad
Singh Resident of Mohalla- Rajendra Nagar, Gachhi Tola, Ward No. 32,
P.S.- Town, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Shekhar Paswan Son of Late Khobi Paswan Resident of Mohalla-
Rajendra Nagar, Gachhi Tola, Ward No.- 32, P.S.- Town, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Randhir Kumar No.1
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 04-10-2023 Heard learned counsel for the appellants and the
respondents.

Appellants, by filing this appeal under section 14(A)
(2) of the S.C./S.T. (Prevention of Atrocities) Amendment Act
has prayed for quashing of the order dated 30.09.2019 passed by
Special Judge SC/ST(POA)Act, Begusarai in Begusarai in connection
with SC/ST P.S. Case No. 106 of 2017 whereby and whereunder
the application filed under section 239 of the Code of Criminal
Procedure for discharge of the appellants for the aforesaid case



under sections 341, 323, 504, 354/34 of the Indian Penal Code and section 3(1)(r)(s)(w) of the SC/ST (Prevention of Atrocities) Amendment Act, has been rejected.

Submission of the learned counsel for the appellants is that the order impugned has been passed without application of judicial mind and learned court has also failed to appreciate that informant has no locus standi to file a petition for taking cognizance. It is further submitted that the appellants are Government servants and have been falsely implicated in this case. Learned counsel submits that the police after investigation came to the conclusion that accusation is false, however, the learned Magistrate differing with the finding of the police took cognizance of the offence. Learned Magistrate has not disclosed any material on basis of which he has differed with police report.

Learned Spl. P.P. appearing for the State opposes the appeal and submits that there are ample materials in the case diary for constituting the offence under the SC/ST (Prevention of Atrocities) Act besides other sections of the Indian Penal Code in which cognizance has been taken. There are medical evidence suggesting infliction of injury by hard pointed weapon. The Court below has rightly rejected the application for



discharge.

Heaving heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by the learned counsel for the appellants. I do not find any error in the order passed by learned Special Judge.

Accordingly, the appeal is dismissed.

(Arvind Srivastava, J)

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