

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.394 of 2023**

Arising Out of PS. Case No.-53 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Ramchand Chaudhary, S/O Late Munilal Chaudhary, Resident of
Village- Pildauri Gali, No.- 13, P.S.- Sultanganj, District- Bhagalpur.

... .. Appellant

Versus

1. The State of Bihar
2. Sri Lal Bahadur Sastri, (son of not known), the Police Inspector-cum-
Officer In- Charge, Sultanganj P.S. Bhagalpur District.
3. Sri Uma Shankar Prasad (son of not known) A.S.I. Sultanganj P.S.
Bhagalpur District.
4. Sri Sunil Kumar Tiwari (son of not known) A.S.I. Sultanganj P.S.
Bhagalpur District
5. Smt. Sangita Kumari (968 Mahila Police), wife of Sri Mahesh Prasad,
Resident of village- Lakhrama, P.S.- Deep nagar, District- Nalanda.
6. Smt. Guddi Kumari (1448 Mahila Police), daughter of Late
Jagdishpur, Resident of Village- Pater, P.S.- Wazirganj, District- Gaya.

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

7 30-11-2023 Heard learned counsel appearing on behalf of the

appellant/complainant and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

2. The present appeal preferred by the appellant/
complainant against the order/judgment dated 15.12.2022
passed in Complaint Case No. 53 of 2021 by the learned 3rd
Additional Sessions Judge – cum – Special Judge (SC/ST



Act), Bhagalpur, wherein complaint case of the appellant has been dismissed under Section 203 of the Code of Criminal Procedure (in short the 'Cr.P.C.') which was filed for the offence alleged under Sections 452, 379, 323, 504, 506 of the Indian Penal Code (in short the 'I.P.C.') and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST (POA) Act").

3. As per the case of the appellant/complainant before the learned trial court that while complainant/appellant Ramchand Chaudhary aged about 62 years, son of Late Munilal Chaudhary, Resident of village – Pildauri Gali, Ward No. 13, P.S. - Sultanganj, District – Bhagalpur, who is a member of scheduled castes community being caste of "Pasi", while giving food to his cow at about 6:00 P.M. on 25.09.2021, accused-respondents, who were police persons, entered into his house. It is further alleged that respondent-accused police persons assaulted the complainant and his entire family members and arrested him. It is further alleged that they have assaulted by taking his caste name during the course of



occurrence and prepared a false seizure list and also compelled him to sign over the seizure list.

4. It is further narrated thereof, that those accused police persons had taken his mobile and cash of Rs. 20,000/- which was kept below his bed. It is also pointed out that on 13.12.2021, the police personnel/respondents have tried to enter into his house which was protested by his wife and son and regarding said occurrence, a '*Sanha*' (informatory petition under section 39 of the Cr.P.C.) bearing No. 4750/2021, was filed before the court of learned Chief Judicial Magistrate, Bhagalpur.

5. It is further submitted by learned counsel for the appellant that during the course of enquiry three complainant witnesses including the complainant were examined and supported the occurrence without having any discrepancy, but the learned trial court dismissed the complaint under Section 203 of the Cr.P.C.

6. It appears from the pleading and impugned order that prior to this complaint respondent no. 2 namely, Sri Lal Bahadur Shastri, who is Police Inspector -cum – Officer Incharge, Sultanganj, District – Bhagalpur had



lodged a case against the appellant/complainant which has been registered as Sultanganj P.S. Case No. 216/2021 dated 25.09.2021 for the offence under Section 272, 290 and 34 of the I.P.C. and Section 30(a) and 37(c) of the Bihar Prohibition & Excise (Amendment) Act, 2018 alleging thereof that complainant/appellant accused was involved in running of illegal shop of liquor from his house itself. Said F.I.R. is also annexed and marked as Annexure '2'.

7. From perusal of the impugned order, it appears that beside complainant, two more enquiry witnesses were examined, who were CW-2 namely, Daya Devi, wife of appellant/ complainant and CW-3 namely, Nisha Kumari, who is the daughter of the appellant/complainant (CW-1). From the deposition of all these witnesses, it appears that occurrence took place inside the house of appellant/complainant and not in public. None of the witnesses examined during the process of enquiry appearing independent rather they appears relatives and family members.

8. On perusal of the records, it appears that no information regarding the aforesaid occurrence was



given/intimated to any senior police personnel of the concerned district and the State, rather straightway a complaint was filed regarding the alleged occurrence after lodging of F.I.R. against appellant, that even with delay of three months.

9. It appears from perusal of records that appellant/complainant lodged a complaint against police officers/respondents, who conducted raid in his house and lodged F.I.R. bearing Sultanganj P.S. Case No. 216/2021 dated 25.09.2021, where the complaint was lodged on 14.12.2021, i.e., after more than three months and by taking all these aspects the complaint, as filed by the appellant/complainant was dismissed by the trial court under Section 203 of the Cr.P.C.

10. It appears that the order of dismissal of complaint case bearing No. 53 of 2021 as passed by learned trial court/Special Court dated 15.12.2022 is a reasoned and speaking order by taking note of all above discussed facts, and, as such, need no interference.

11. Accordingly, the present appeal as to set-aside the impugned order dated 15.12.2022 passed by learned 3rd



Additional Sessions Judge – cum – Special Judge, (SC/ST Act), Bhagalpur in Complaint Case No. 53 of 2021 is devoid of merits.

12. Accordingly, the appeal stands dismissed at admission stage itself.

(Chandra Shekhar Jha, J.)

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