

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37452 of 2015**

Arising Out of PS. Case No.-292 Year-2011 Thana- PHULWARISHARIF District- Patna

1. Hari Narayan Prasad Thakur @ Hari Narayan Prasad son of Late Baidhnath Prasad Thakur @ Baijnath Thakur
2. Rekha Kumari @ Rekha Devi wife of Sri Hari Narayan Prasad Thakur @ Hari Narayan Prasad Both are resident of village- Govindpur, P.S.- Phulwari Sharif, District- Patna
3. Dina Thakur, son of Sri Ram Chandra Thakur, resident of Bari Badalpur, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      24-02-2023      No one appears on call.

The present petition has been preferred against the order passed by the learned Sessions Judge, Patna in Special Case No. 133 of 2012 in which an order was passed on 2.4.2015 recording the following facts :

*“Perused the record. In para-5 of the case diary PO land has been mentioned and I.O has mentioned the P.O land as of ‘Gali’ north of Village road situated, so the same is of public view. In para-6 of the case diary informant has fully supported the*



*prosecution version. In para-7, 8 and 9 of the case diary witnesses Bigan Paswar, Chotan Paswan, Arun Sao and Kailash Chaudhary have also supported the prosecution version. In para-27 and 28 of the case diary independent witnesses Rajeshwari Lal and Tunnu Paswan have also supported the prosecution version. So, the fact of the case does not co-relates with the fact of the case of Rinku Yadav and in this case PO, land is of public view and insulting a schedule caste member by the member of other caste who are not member of schedule caste and schedule tribe in public view comes under the purview of section-3(1)(x) of the S.C. & S.T. Act. Except that it is also statement of witnesses that accused persons interfere with the enjoyment of right of the informant over her land, so section-3(1)(v) of the S.C. & S.T. Act also attracts. Except that offence of section-341, 325, 504 and 506 of the I.P.C is also made*



*made out and there is sufficient material in whole of the case diary to proceed against the accused persons under the above mentioned sections. Accordingly, the petition dated 03.06.14 filed on behalf of the petitioners is hereby rejected. Accused persons are directed to remain physically present on the date fixed for framing charge. Put up on 27.04.2015 for framing charge. ”*

The learned 1<sup>st</sup> Additional Sessions Judge, Patna while rejecting the petition dated 3.6.2014 filed on behalf of the petitioners elaborately assigned the reason for passing an order for framing of charges.

However, as no one has appeared on call, the petition stands dismissed for non-prosecution with liberty to raise all the points before an appropriate Court at an appropriate stage .

**(Rajiv Roy, J)**

Ajay Singh/-

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