

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.455 of 2022

Arising Out of PS. Case No.-355 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Raj Kishore Thakur Son Of Ambika Thakur Resident Of Village- Nemua Khas, Police Station- Kuchaikote, District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Baitha Son Of Harihar Baitha Resident Of Village- Nemua Khas, Police Station- Kuchaikote, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Special P.P.
For the informant	:	Mr. Indrajeet Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-01-2023 Heard learned counsel for the appellant and the State as also the learned counsel for the informant.

As per the prosecution story, on 03-09-2020, while the informant was seated at the door, the accused persons armed variously and after abusing as to why their clothes are not being washed, on refusal, they were assaulted. As such the FIR under different sections of the IPC as also under SC/ST Act has been lodged.

Learned counsel for the appellants submits that this is a counterblast to Kuchaikote P.S. Case No.354 of 2020 lodged by Saroj Devi wife of the appellant herein in which they were also assaulted and injuries were inflicted and just to give colour



to their case, the allegation of naming caste was inserted, thus SC/ST Act was attracted.

Learned counsel for the informant on the other hand submits that not only they took caste name, they also assaulted.

Although the matter is of case and counter case in which both sides have suffered, in view of the fact that Section 3(i)(r) (s) of the SC/ST Act is there, in the considered view of the court the case is not maintainable and as such the petition stands rejected.

If however, the appellant surrenders before the court concerned within four weeks from today and prays for bail, the court will take into account that he do not have criminal antecedent, it is matter of case and counter case and the same be disposed of expeditiously preferably on the same day.

(Rajiv Roy, J)

Prakash Narayan /-

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