

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.947 of 2023

Arising Out of PS. Case No.-38 Year-2021 Thana- MANIGACHI District- Darbhanga

BIPIN KUMAR JHA @ BIPIN JHA Son of Late Indra Narayan Jha R/v-
Raghopur P.S.- Manigachhi, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. BIJUL CHAUPAL Son of Late Ram Swarup Chaupal R/v- Raghopur P.S.-
Manigachhi, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Girish Chandra Jha, Adv.
For the State : Mr.Sadanand Paswan, APP
For the Respondent No.2: Mr. Nilendu Kumar Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

Date : 14-12-2023

1. Heard the parties.

2. The instant appeal has been filed under Section 14(A)

(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 20.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Exclusive Judge, SC/ST (POA) Act, Darbhanga in SC/ST GR case No. 43/ 2021, arising out of Manigachhi P.S. case No. 38/2021, whereby the appellant's prayer made under Section 227 of the Cr. P. C. for discharge has been rejected.



3. The main submissions advanced by learned counsel for the appellant are that learned trial court rejected the appellant's prayer made under Section 227 of the Cr. P. C. for his discharge without discussing the evidences against the appellant which do not even prima facie attract the alleged offences against him and the said order has been passed without application of judicial mind and the allegations levelled against the appellant in the F.I.R. are totally false and during investigation, the Investigating Officer did not find any incriminating material at the place of occurrence at the time of inspection which is sufficient to falsify the allegations levelled in the F.I.R.

4. On the contrary, learned counsel for the respondent No.2 and learned A.P.P. for the State have vehemently opposed the prayer of the appellant and submitted that there is sufficient material and evidences in the case diary to show the commission of the alleged occurrence and there is serious allegation against the appellant and his specific role in the commission of the alleged offences has been revealed in the F.I.R. as well as statements of the witnesses recorded during investigation and the appellant's prayer for discharge has been rightly rejected.

5. Heard both the sides and perused the order impugned, FIR of Manigachhi P.S. case No. 38/ 2021 and the case diary. As



per allegation, this appellant and 15 to 20 other persons came at the houses of informant and others and thereafter started assaulting them and also set their houses on fire, in the meantime, the police arrived and saved the informant and other victims. During investigation, the informant supported the said allegations in his re-statement and the statements of other witnesses, which are mentioned in paragraphs 6, 7, 16, 23, 24, 25 and 26 of case diary, are also relevant and supportive to the allegations levelled in the F.I.R. and the informant and so-called injured persons were medically examined during investigation and their injury reports have been discussed in paragraphs 57 to 62 of the case diary and the same are also relevant to the alleged offences and all these materials are sufficient to prima facie show the commission of the alleged offences. Though, the Investigating Officer did not find any positive material while inspecting the alleged places of occurrence to support the allegation as to the victims' houses having been set on fire by the accused persons during the commission of the alleged occurrence but the statements of the witnesses and victims' injury reports discussed above go in favour of the prosecution's allegation and the same are sufficient to prima facie attract the alleged offences. Accordingly, in the opinion of this court learned trial court has rightly rejected the prayer of the



appellant for discharge and this court does not find any irregularity or illegality in the impugned order. As such, the instant appeal stands rejected.

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.12.2023
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(Shailendra Singh, J)

