

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42216 of 2015

Arising Out of PS. Case No.-9 Year-2011 Thana- SC/ST District- Jamui

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1. Ravindra Singh and Ors. Son of Late Yugal Singh
 2. Subodh Singh Son of Ravindra Singh
 3. Rajo Singh Son of Brahmdeo Singh
 4. Subesh Singh Son of Awadh Kishor Singh
 5. Guddu Singh Son of Sadhu Singh
 6. Ramanuj Singh @ Ramnuj Singh Son of Late Charitra Singh All are resident of village - Mahna, P.S. Sikandra, District - Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner, State and the informant.

The application has been filed for quashing the order dated 08.07.2015 in SC/ST Case No. 26/2013 passed by learned Additional District & Sessions Judge 1st, Class, Jamui in connection with SC & ST, Jamui P.S. Case No. 9/2011 by which the discharge petition was rejected U/S 227 of the Code of Criminal Procedure.

The informant made allegation that on 08-12-2011 as he had arrived at Jamui Civil Court for '*pairvi*' in connection



with Sikandara P.S. Case no. 113 of 2009, the accused persons came and enquired why he has come. Upon his reply that he has come on his own, the accused persons started abusing him and also took caste name (Mushhar) and on the order of Ravindra Singh, the accused persons dragged him towards the eastern side of the Civil Court, case file was snatched and thereafter, the allegation is of assault. Accordingly the F.I.R. was lodged.

Learned counsel for the petitioners submit that the police took up the matter and submitted final form vide report dated 11.12.2011 but the learned Court vide an order dated 08-07-2015 took cognizance in a mechanical manner. This court would like to clarify that there is nothing on record either in the petition or annexures to incorporate the date of cognizance and no proper assistance was given by either of the parties present in the court.

Subsequently, the petitioners preferred discharge petition under Section 227 of the Cr.P.C. which came to be rejected on 08-07-2015 and the reason has been assigned for such rejection wherein the learned Sessions Judge 1st, Jamui has narrated that from the F.I.R., it is clear that the caste name was taken and he was threatened of dire consequence, if the case is not taken back as such.



Learned counsel for the petitioners submit that the informant has lodged F.I.R. at the behest of their agnates and he was just a tool dancing to their tunes.

Per contra, learned counsel for the informant submits that both the cognizance order as also the rejection of discharge petition need no interference as the FIR *prima facie* itself shows that he was pressurized to refrain from the case (Sikandara P.S. Case No. 113 of 2009) and upon his refusal, not only he was abused, his caste name was taken, he was dragged towards the eastern side of the Civil Court, threatened of dire consequences and the allegation of beating is also there.

Having gone through the facts of the case, materials on record and the rival submissions put forward by the parties, this court is convinced that the order dated 08.07.2015 passed by learned Additional District and Sessions Judge 1st Class, Jumai need no interference.

The petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

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