

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17010 of 2017

Arising Out of PS. Case No.-71 Year-2013 Thana- SC/ST District- Darbhanga

Anjani Kumar Jha @ Bablu Jha Son of Late Harendra Narayan Jha @ Narayan Jee Jha, Resident of Village- Mahinam, P.S.- Bahera, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chedi Sada S/O Sukkan Sada Resident of Village-Chimuhani, P.S.- Bahera, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Jha, Adv Mr. Rajesh Kumar Jha Ms. Meenakshi Priya Mr. Mukesh Mishra
For the Opposite Party/s	:	Ms. Usha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-01-2024 **1.** Heard learned counsel for the petitioner and
learned APP.

2. The learned counsel for the petitioner submits that by order dated 22-9-2023, notices were issued on OP No. 2. It is next submitted that from perusal of the office report dated 12-1-2024, it would manifest that OP No. 2 has received the notice personally but then chooses not to appear and contest the case as no one appears on behalf of the OP No. 2.

3. The learned counsel next submits that the present quashing application has been filed seeking quashing of the order dated 18-6-2015 passed by the learned ACJM, Benipur,



Darbhanga in connection with SC/ST (Harijan) PS Case No. 71 of 2013, TR No. 705 of 2015, GR No. 362 of 2013, whereby cognizance of offence under Sections 341, 354A and 504 of the IPC read with Sections 3(i)(x) and 3(i)(xi) of the SC/ST Prevention of Atrocities Act 1989 has been taken.

4. The learned counsel next submits that the OP No. 2 herein had instituted SC/ST (Harijan) PS Case No. 71 of 2013 alleging therein that on 9-9-2013 at 10:00 a.m in the morning, the informant went to Benipur Block Office for participating in a weekly meeting presided over by the B.D.O and apart from the informant, there were 19 other *Vikas Mitras*, who were sitting in *Mahadalit Prakost* in block development office, then the petitioner, being husband of the *Prakhand Pramukh*, entered the *Mahadalit Prakost* and started abusing them by their caste name. The learned counsel next submits that police after investigation did not find the allegation against the petitioner to be true and thus submitted Final Form No. 18 of 2014 dated 30-6-2014, but the learned Magistrate in a mechanical manner took cognizance of the offence.

5. It is next submitted no doubt an appeal is maintainable against an order taking cognizance but then the order taking cognizance is dated 18-6-2015 and the provision of



appeal as contained in Section 14A of the SC/ST Act came in the statute book in the year 2016 as such the order taking cognizance can be quashed.

6. The learned counsel further submits that even from perusal of the allegation as alleged in the FIR, it would manifest that *prime facie* no offence under the SC/ST act is made out and the police also had submitted final form exonerating the petitioner of the allegation; and the OP No. 2, despite receiving notice, chooses not to contest the case which actually demonstrates that the FIR was instituted maliciously.

7. Considering the submission made by the learned counsel for the petitioner, the order dated 18-6-2015 passed by the learned ACJM, Benipur, Darbhanga in connection with SC/ST (Harijan) PS Case No. 71 of 2013, TR No. 705 of 2015, GR No. 362 of 2013, whereby cognizance of offence under Sections 341, 354A and 504 of the IPC read with Sections 3(i)(x) and 3(i)(xi) of the SC/ST (Prevention of Atrocities) Act 1989 has been taken, is hereby quashed.

(Satyavrat Verma, J)

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