

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.403 of 2025

Arising Out of PS. Case No.-118 Year-2018 Thana- SC/ST District- East Champaran

1. Shyam Sundar Prasad @ Shyam Sundar Singh Son of Parmeshwar Singh Resident of Vill- Kamepatti, Belahi, P.S.- Ladania, District- Madhubani
2. Shreeram Prasad @ Shreeram Singh Son of Parmeshwar Singh Resident of Vill- Kamepatti, Belahi, P.S.- Ladania, District- Madhubani
3. Chandan Prasad @ Chandan Kumar Singh Son of Sahdev Singh Resident of Vill- Ward No. 07, Gram Maniyarawa (Baniyarawa), P.S.- Khajauli, District- Madhubani
4. Sarita Devi @ Sarita Kumari Wife of Chandan Prasad Resident of Vill- Ward No. 07, Gram Maniyarawa (Baniyarawa), P.S.- Khajauli, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari D/O- Bir Bahadur Paswan @ Veer Bahadur Paswan Resident of Vill- Kanchedeve, P.S.- Harsidhi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-03-2025 Heard the parties.

2. The present appeal has been preferred:-

“for setting aside the order dated 17.12.2024 passed by the Learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, Motihari, East Champaran, Bihar in SC/ST P.S Case No. 118 of 2018 dated 11.10.2018 registered for offences punishable under Section 341, 323, 376, 504, 506 & 34 of the I.P.C read with Section 3(i)(r)(s)(w-ii) of the SC/ST (POA) Act along with



Section 4, 6 and 8 of the POCSO Act, wherein the Learned Court took cognizance against the Appellants under Section 341, 323, 376, 504, 506 and 34 of the I.P.C read with Section 3(1)(r)(s)(w-ii) of the SC/ST (POA) Act and Section 3, 4, 6 and 10 of the POCSO Act, based on the Final Report No. 54 of 2020 for the offences under Section 341, 323, 376, 504, 506 & 34 of the I.P.C read with Section 3(i)(r)(s)(w-ii) of the SC /ST (POA) Act along with Section 4, 6 and 10 of the POCSO Act submitted on 29.02.2020.”

3. Mr. Vishwajeet Kumar Mishra, learned counsel for the appellants submit that an erroneous petition has been filed which is not under appropriate provision.

4. As such, he may be granted liberty to prefer a fresh petition after withdrawing the present one.

5. Granting said liberty, the Appeal stands disposed of.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

