

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.409 of 2024

Arising Out of PS. Case No.-134 Year-2022 Thana- SHANKARPUR District- Madhepura

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1. RAM NANDAN YADAV @ RAUDI YADAV SON OF LATE SIBEN YADAV R/O-KALHUA, WARD NO. 18, P.S.-SHANKARPUR, DISTT.-MADHEPURA
 2. NITISH KUMAR SON OF RAM NANDAN YADAV @ RAUDI YADAV R/O-KALHUA, WARD NO. 18, P.S.-SHANKARPUR, DISTT.-MADHEPURA
 3. BHAVESH KUMAR SON OF RAM NANDAN YADAV @ RAUDI YADAV R/O-KALHUA, WARD NO. 18, P.S.-SHANKARPUR, DISTT.-MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. ANARI DEVI WIFE OF BASUDEV RAM R/O-MAURA JHARKAHA, WARD NO. 17, P.S.-SHANKARPUR, DISTT.-MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-01-2025 Heard Mr. Uday Chand Prasad, learned counsel for

the appellants and the State.

2. The present appeal has been preferred for quashing of order dated 01.03.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Madhepura in Shankarpur P.S. Case No. 134/2022, SC/ST Case No. 25/2023 whereby cognizance for the offence under Sections 427, 447, 504, 506 and 34 of the Indian Penal Code



and Section 3(i) (r) (s), 3 (2) (va) of the SC/ST Act has been taken against the appellants.

I.A. No. 01 of 2024

3. The present Interlocutory Application has been preferred for condoning the delay of seven months and eighteen days.

4. For the reasons assigned in paragraph nos. 5 and 6 of the Interlocutory Application and no opposition from the other side, **I.A. No. 01 of 2024** is allowed and the delay of seven months and eighteen days in filing the appeal stands condoned.

Criminal Appeal (SJ) No. 409 Of 2024

5. As per the prosecution story, the informant alleged that the appellants took money for execution of one and a half *kathas* of land decades ago but chose to look the other way. Further, upon request to do the needful, allegation is that he came to the house of the informant, abused and not only threatened with dire consequences, they damaged the bamboo roof of the informant. This led to the FIR.

6. Though the Police earlier submitted final form against Nitish Kumar and Bhavesh Kumar (appellant nos. 2 and 3 respectively), charge-sheet was submitted against



petitioner no. 1. The Court took up the matter on 01.03.2023 and after recording that against Nitish Kumar and Bhavesh Kumar, final form has been submitted. However, there is nothing on record to show that both the two accused were not at the spot rather one was serving in the Indian Army and the other was away. In absence of any document, the Court took cognizance against Bhavesh Kumar and Nitish Kumar too.

7. Learned counsel for the appellants submit that this is a clear case of misuse of the SC/ST Act by the other side and even the persons serving outside the State have been made accused.

8. Learned Spl.P.P. on the other hand opposes and submits that the perusal of the order would show that no document is on record even here to show that at that particular time, the appellant, Bhavesh Kumar was serving at Laddakh and the other brother was not present at Madhepura.

9. This Court although condoned the delay of almost seven months, made a query whether any petition was preferred on his claim of being serving with the Force at the relevant time, the answer is in negative. It though harped on a letter of its Captain which certainly does not help him as no where it is stated that on the relevant day, he was at work



place.

10. Having detailed out facts of the case, the Court comes to the only conclusion that the learned Court rightly took cognizance against the accused persons and no interference is required.

11. The present petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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