

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.491 of 2024

Arising Out of PS. Case No.-283 Year-2021 Thana- BASOPATTI District- Madhubani

Nawal Kishore Jha S/O LATE MAHABIR JHA VILLAGE-
BHAGIRTHPATTI, PS. BASOPATTI, DIST. MADHUBANI.

... .. Appellant/s

Versus

1. The State of Bihar
2. VINA KUMARI W/O AMIT PASWAN VILLAGE- BHAGIRTHPATTI, PS.
BASOPATTI, DIST. MADHUBANI.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratnakar Jha, Adv.

For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-02-2025 Heard Mr. Ratnakar Jha, learned counsel for the
appellant and Mr. Binay Krishna representing the State.

2. There is no representation of the informant though
certain names are there in the cause list.

3. The present appeal has been preferred:

*for quashing the order dated 02-
06-2023 passed in connection with Baspatti
P.S. Case No.283/2021, G.R.No. 159 of 2021
passed by learned Addl. Sessions Judge-1st
Cum Special Judge, Madhubani, whereby
and whereunder he has been pleased to take
cognizance of the offence/offences*



*punishable under section 341,323,354B of
Indian Penal Code and 3(i)(r)(s)/3(2) (va)
SC/ST Act against the Appellant.*

4. With the consent of the parties, the matter is being taken up for final hearing.

5. As per the prosecution story, the lady, respondent no. 2 alleged that she being the dealer of public distribution shop at Bhagirathpatti, Ward No. 19 was distributing grains when the accused came, broke her machine, the sale register was also torn, some amount taken. Upon objection, her husband was assaulted and when she tried to save him, was thrown on the ground. The caste name was also taken. Upon the accused having left the place, the husband was taken to Basopatti for treatment whereafter, the case.

6. The Police investigated the matter, the same was also supervised by Superior Officers and having found the case to be true, charge-sheet was submitted on 15.02.2023 under Sections 323, 341, 354(B), 504, 506 of the IPC and Section 3(i)(r)(s)/3(2) (va) SC/ST Act.

7. The learned Court thereafter took up the matter and vide an order dated 02.06.2023, having taken note of the materials on record as also the supervision note of the Sub-



Divisional Officer in paragraph 25 of the case diary, took cognizance and issued summon to the appellant.

8. Aggrieved, the present appeal.

9. It is the case of the appellant that there is case and counter case, only to put pressure and to dilute the earlier case, the respondent no. 2 has resorted to the present case. He submits that though cognizance has been taken, no such occurrence took place. He further submits that subsequently, notary affidavit was given by the lady who wanted to withdraw the petition.

10. The State is represented by Mr. Binay Krishna, learned Spl. P.P. who opposes the prayer and submits that not only the Police found the case to be true, it has also been supervised by the Sub-Divisional Police Officer who in his supervision note has found sufficient materials to proceed in the case. It is only thereafter that the charge-sheet was submitted. To the submission of the learned counsel for the appellant that a notarized public affidavit is there by the lady, he has taken this Court to paragraph 38 of the case diary to submit that the lady subsequently, withdrew the said petition alleging that she was forced to sign the dotted lines.

11. Having gone through the facts of the case and the submissions of the parties as also perusing the record, there is



enough material to proceed in the trial. The Court concerned has reasoned out why cognizance has been taken on 02.06.2023 against the sole appellant.

12. No case of interference is made out.

13. Both the **Cr. Appeal (SJ) No. 491 of 2024** and the **I.A. No. 01 of 2024** stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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