

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.484 of 2020

Arising Out of PS. Case No.-59 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. SUPRIYA W/o Rajeev Kumar Resident of Village - Mahmadpur, P.S.- Begusarai town, Dist.- Begusarai
 2. Rajeev Kumar @ Rajeeb Kumar Son of Vyash Nandan Singh Resident of Village - Mahmadpur, P.S.- Begusarai town, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Meena Devi W/o Prakash Rajak Resident of Village - Bishanpur Azad Chawak, Dhobi Tola, P.S.- Nagar, Dist.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shubhesh Pandey, Adv.
For the State	:	Mr.Sadanand Paswan, Sp. APP
For the Respondent no.2	:	Mr. Sandip Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 23-06-2025 Heard the learned counsel for the appellant as well as the learned counsel for the informant.

2. This appeal has been preferred against the order dated 12.04.2019 passed by learned court of Special Judge- SC / ST (POA) Act Begusarai in connection with Complaint case No. 59 C of 2018 whereby cognizance was taken against the appellants under section 323,379,504 of the IPC and Sections 3(1)(r) of the SC/ST (POA)Act.

3. The complainant is a washerwoman by profession. As per the allegation, the appellants gave their clothes for



washing and asked the complainant to return those clothes after 2-3 days. When she refused to wash the clothes, they assaulted her with fists and slaps and abused her by calling her caste name.

4. While making prayer for bail after suspension of sentence, learned counsel for the appellants submits that the present complaint has been filed by the complainant in defense of a previously lodged case against her son by appellant No. 1 in Begusarai Town PS Case No. 424 of 2018. The said case was lodged on 17-07-2018, whereas the present complaint was filed on 19-07-2018. The second submission of the learned counsel is that appellant No. 2 is an Army personnel and on the day of alleged occurrence, he was on his duty. The certificate issued by the Army Headquarters is available with the record, which shows that appellant No. 2 was on duty from 14-07-2018 to 18-07-2018.

5. So far as the appellant No. 1 is concerned, it has been submitted that she is a teacher and was at her school on the day of alleged occurrence. The extract of attendance register is annexed with the record.

6. On the other hand, the learned counsel for the complainant has submitted that the occurrence took place on 16-



07-2018 at 8:00 A.M., whereas appellant No. 1's school started at 10:00 A.M.

7. Prior to lodging of this complaint, appellant No. 1 had filed a case against the complainant's son. The certificate issued by the Commanding Officer of the Army shows that on the date of occurrence, appellant No. 2 was not in his village rather he was present at his workplace. So, the recitals of the complaint petition appear to be incredible.

8. Considering the above-mentioned facts and circumstances, the order dated 12.04.2019 passed by learned court of Special Judge- SC / ST (POA) Act, Begusarai in connection with Complaint case No. 59 C of 2018 is hereby quashed and the appeal is allowed.

(Nawneet Kumar Pandey, J)

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