

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.644 of 2022**

Arising Out of PS. Case No.-80 Year-2018 Thana- MADHEPUR District- Madhubani

1. GOPAL MANDAL@ GOPAL KUMAR MANDAL S/O SHIVAN MANDAL @ SHIV NARAYAN MANDAL RESIDENT OF VILLAGE- MADHEPUR, P.S.- MADHEPUR, DISTRICT- MADHUBANI
2. BHAIKAV MANDAL S/O LATE BHOLA MANDAL RESIDENT OF VILLAGE- MADHEPUR, P.S.- MADHEPUR, DISTRICT- MADHUBANI
3. RAM CHANDRA MANDAL @RAMA MANDAL S/O LATE BHOLA MANDAL RESIDENT OF VILLAGE- MADHEPUR, P.S.- MADHEPUR, DISTRICT- MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PRABHU MALLICK S/O KHUSILAL MALLICK VILLAGE MADHEPUR P S MADHEPUR DISTRICT MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 04-08-2025 Heard the learned senior counsel for the appellants as well as the learned APP for the State.

2. The present appeal has been filed for quashing the cognizance order dated 01.02.2021, passed by the learned Additional Sessions Judge-I cum Special Judge, SC/ST Act, Madhubani, in G.R. Case No. 96/2018, Madhepur P.S. Case No. 80/2018, whereby and whereunder cognizance has been taken under Sections 341, 323, 324, 504 of the I.P.C. and Sections 3(i) (r), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act against



the petitioners.

3. While assailing the order dated 01.02.2021, whereby cognizance was taken against the present appellants along with co-accused persons, Mr. Krishna Prasad Singh, learned Senior counsel for the appellants has submitted that the appellants are elderly members of the accused persons' family. During the investigation, it came to light that the appellants were suffering from ailments and are old and infirm persons. They have been made accused with an ulterior motive. The Superintendent of Police supervised the case and did not find the complicity of the appellants in the alleged occurrence and hence, they were not sent up for trial.

4. None appeared on behalf of the informant whereas the notice was validly served.

5. The investigating authorities did not find the case true against the appellants, and a final form was submitted against them, showing that they are old and infirm persons suffering from ailments and some of the appellants are being treated at AIIMS, Patna.

6. Considering the above-mentioned facts and circumstances, the order dated 01.02.2021, whereby cognizance was taken by the learned court below under the provisions of



Sections 341, 323, 324, 504 of the IPC and Sections 3(i)(r), 3(2) (va) of the SC/ST (Prevention of Atrocities) Act, is hereby quashed. So far as the other accused persons are concerned, there shall be no interference with the order dated 01.02.2021.

7. Accordingly, the appeal is allowed.

(Nawneet Kumar Pandey, J)

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