

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1159 of 2024

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

AMIT KUMAR MANJHI @ SANTOSH MANJHI @ AMIT MANJHI S/O
LATE MADAN MANJHI R/O VILLAGE- SEMARI, P.S- PANAPUR,
DISTT.- SARAN CHAPRA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. UMESH RAM S/O LATE CHATURI RAM R/O VILLAGE- SEMARI, P.S-
PANAPUR, DISTT.- SARAN CHAPRA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kumari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 02-09-2025

Heard both sides.

2. The present appeal has been filed for quashing the cognizance order dated 25.08.2023 passed in connection with Panapur P.S. Case No. 101 of 2022, SC/ST 126 of 2023 by learned Exclusive Special Judge, SC/ST, Saran at Chapra whereby and whereunder the learned trial court took cognizance against the appellant under Section 147, 149, 302, 504 and 506 of the IPC and Section 3(1)(r)(s), 3(2)(v) of the SC/ST Act.

3. As per prosecution case, eleven accused persons including the appellant armed with iron rod, lathi and danda came at the door of informant and took away the informant's son, namely, Rajendra Kumar to the house of co-accused



Ramayan Mahto. It is alleged that all the accused persons assaulted the informant's son indiscriminately as a result of which informant's son became unconscious and, thereafter, aforesaid persons threw the informant's son at the door of informant in unconscious and injured condition. It is alleged that all the accused persons abused the informant by calling his caste name. It is alleged that informant's son was taken to Sadar Hospital, Chapra and, thereafter, he was referred to Patna for better treatment. It is alleged that informant's son was admitted in Medivision Hospital, Patna where during the course of treatment the doctor declared informant's son dead.

4. On the basis of said written statement, Panapur P.S. Case No. 101 of 2022, SC/ST 126 of 2023 has been registered for the offences punishable under Sections 147, 149, 302, 504, 506 of the IPC and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

5. Learned counsel for the appellant has submitted that after investigation, police has submitted the final form in favour of appellant. He further submits that charge sheet has been submitted against the other co-accused persons. He further submits that the learned trial court has taken cognizance after differing from the final form which has given clean chit to the



appellant. He further submits that there is general and omnibus allegation levelled against the appellant that he has abused the informant by his caste name and assaulted the informant's son. He further submits that the learned trial court has not applied his judicial mind at the time of passing of impugned order. In the light of aforesaid fact, order passed by the concerned court is not justified and legal and same is fit to be set aside.

6. Learned counsel for the State submits that while passing the impugned order on 25.08.2023, the learned trial court differing from the opinion of Investigating Officer and took cognizance against the appellant on the basis of material available on record. He further submits that the learned trial court specifically mentioned paragraph no. 6, 7, 20, 22, 23, 24, 147, 148, 150 of the case diary where the informant and other witnesses has supported appellant's participation in the alleged crime and the same cannot be ruled out.

7. From perusal of the order dated 25.08.2023 passed by learned Exclusive Special Judge, SC/ST, Saran at Chapra in Panapur P.S. Case No. 101 of 2022, SC/ST 126 of 2023, it appears that same has been passed with due application of mind and the learned trial court has specifically assigned reason for taking cognizance against the appellant.



8. Considering the facts and circumstances of the case and also that a *prima facie* case has been found against the appellant having regard to the accusations in the First Information Report and the material available on the record, this Court is not inclined to interfere with the impugned order dated 25.08.2023.

9. Accordingly, the present appeal is dismissed at the stage of admission itself.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.09.2025.
Transmission Date	03.09.2025.

