

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.934 of 2025

Arising Out of PS. Case No.-18 Year-2024 Thana- SC/ST District- Begusarai

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Pritam Kumar Singh@ Pritam Kumar Son of Girish Ray R/o- Near Near
Durga Mandir W.No-3, Gaura-1, Po- Gaura Ps- Phulwaria Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bindu Devi W/o- Raj Kumar Chaudhary @ Bulay Chaudhary R/o- W.No-11,
Kirtaul Ps- Teghra Dist- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ankur Govind

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 16-06-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. The present appeal has been preferred against the order dated 07-12-2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in SC/ST P.S. Case No. 18 of 2024 whereby and whereunder, the learned court below has taken cognizance against the appellant and other accused persons under Sections-341, 323, 379, 420, 504, 506/34 of the Indian Penal Code and Sections-3(1)(r)(s)/3(2)(va) of SC/ST Act.

3. Learned counsel for the appellant has submitted that the informant was the contestant of Pramukh Election and



due to election rivalry, the present false and frivolous case has been lodged. He has further submitted that the investigating authorities submitted final form against the appellant as during investigation, no prima facie material was found against him but differing with the opinion of the investigating authorities, the learned court below has taken cognizance under the above mentioned sections of the IPC as well as under the provisions of SC/ST (Prevention of Atrocities) Act. Learned counsel has submitted that the impugned order itself shows that it has been passed without considering the materials, available on the record. It has been submitted that the impugned order has been passed on the statements of witnesses recorded in paragraphs-2, 5, 16, 24, 25, 26, 27 and 60 of the case diary but the witnesses, whose statements have been recorded in paragraphs-25, 26, 27 & 60 of the case diary, did not support the case of the prosecution and they have categorically stated that the informant has lodged this false and frivolous case against the appellant.

4. The summons have been issued to the informant (O.P. No. 2) but none appeared on her behalf.

5. The impugned order shows that the court below formed his opinion for issuance of summons on the basis of statements of witnesses recorded in paragraphs- 2, 5, 16, 24, 25,



26, 27 and 60 of the case diary but the witnesses whose statements have been recorded in paragraphs-25, 26, 27 & 60 of the case diary, did not support the prosecution case.

6. Considering the aforesaid facts and circumstances, the order dated 07-12-2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in SC/ST P.S. Case No. 18 of 2024 is set aside and accordingly, the present appeal is *allowed*.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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