

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1376 of 2023

Arising Out of PS. Case No.-258 Year-2017 Thana- AGAMKUAN District- Patna

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MINTA DEVI W/O LATE SANJAY CHAUDHARY R/O- NEAR THE GATE
OF PANCHASHIL SCHOOL, JHOPARPATTI, P.S- AGAMKUAN, DISTT.-
PATNA.

... .. Appellant

Versus

1. THE STATE OF BIHAR
2. BABLU KUMAR S/O BAIJNATH PRASAD R/O MOHALLA-
KUMHRAR, P.S- AGAMKUAN, DISTT.- PATNA.
3. MUNNA CHAUDHARY S/O RAM PRAVESH CHAUDHARY R/O-
MOHALLA- RANIPUR, PATNA CITY, DISTT.- PATNA.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Prashant Kumar, Adv. Mr. Manaur Alam, Adv.
For the State	:	Mr. Binay Krishna, Special PP
For Respondent No. 2	:	Mr. Rajesh Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 25-08-2025

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
private respondent no. 2.

2. The present appeal is directed for setting aside
the order dated 03.03.2020 passed by learned Additional District
Judge-VIII, Patna cum Special Judge, (SC/ST, M.P. / M.L.As.
Court), Patna in connection with Agamkuan P.S. Case No. 258
of 2017 corresponding to Special SC/ST Case No. 190 of 2019
registered under Sections, 302, 201, 34 of the Indian Penal Code
and 3 (ii) (v) of SC/ST Act whereby the concerned court has



accepted the final form submitted by the police and did not take cognizance against respondent no. 2 and 3 even without hearing the petitioner and without going through the material available on record as well as case diary and overlooking the protest-cum-complaint petition filed on behalf of the informant which is pending in the court of learned Additional District Judge-VIII, Patna cum Special Judge, (SC/ST, M.P. / M.L.As. Court), Patna.

3. As per prosecution case, the informant gave her fardbeyan before the S.I. Agamkuan Police Station to this effect that informant's son, namely, Mithu Kumar used to drive cart and work as khalasi on the bus. It is alleged that on 01.06.2017, informant's son had gone on the bus of Ballu Kumar on fair and did not return till morning of 02.06.2017 and when query was made by elder brother of informant's son on phone regarding the whereabouts, then informant's son/ Mithu Kumar told that he was in Biharsharif and was not returning today. It is further alleged that on 03.06.2017 at about 6:00 AM, Ballu Kumar came to the house of informant and told that informant's son/Mittu died on account of electrocution. It is further alleged that informant, her son/ Rahul and her daughter went to see the dead body which was lying on the surface of Bus and informant found injury on stomach, shoulder and leg



and there was spot of rope around the neck and she claimed that driver, owner, conductor and others have committed the murder by assaulting the informant's son and hide the dead body in the bus.

4. On the basis of fardbeyan of informant, Agamkuan P.S. Case No. 258 of 2017 was registered for the offence punishable under Sections 302, 201, 34 of the IPC and Sections 3(ii) (v) of SC/ST Act and after completion of investigation, police submitted final form against all the accused persons showing the case true but clueless.

5. Learned counsel for the appellant has submitted that there is specific allegation against all the accused persons and it has been submitted that dead body of informant's son was taken at the house and informant's daughters and others have seen several injury on the body of informant's son. He further submits that several witnesses have examined and all of them have supported the prosecution case but despite that owner of said bus has cooked another story and tried to twist the case towards accidental. It has been submitted that final form has been submitted by the I.O. though there is sufficient material against the accused persons and the concerned court has also not taken into account the material available on record and final



form has been accepted by the concerned court.

6. Counter affidavit has been filed on behalf of respondent no. 2 and it has been submitted that from perusal of the FIR it is clear that there is not even whisper about the motive behind the alleged occurrence. The allegation is vague and omnibus in nature. No specific allegation of any overt-act has been attributed against him and he has been implicated in the present case on mere suspicion. Learned counsel further submits that order passed by the concerned court is on the basis of material available on record. He further submits that the concerned court on two occasions i.e. on 06.09.2019 and 08.02.2020 issued notice to the informant but the informant did not turn up before the court. Thereafter, the concerned court accepted the final form submitted by the police.

7. From perusal of order dated 03.03.2020 it is found that final form has been submitted after completion of investigation and separate notice has been ordered to be issued by the concerned court. On 06.09.2019 notice was issued to the informant but she did not turn up and for the purpose of appearance of informant, again on 08.02.2020 notice was issued through registered post but informant did not turn up and the trial court recorded the finding that the informant has no interest



in the present case and in the light of aforesaid fact, final form submitted by the police has been accepted by the concerned court.

8. Considering the facts and circumstances of the case, it is clear from perusal of impugned order dated 03.03.2020 that on two occasions i.e. on 06.09.2019 and 08.02.2020, notices have been issued upon the informant but she did not turn up before the concerned court and after that the concerned court accepted the final form submitted by the police. Hence, order dated 03.03.2020 passed by the concerned court is justified and legal and no interference is required.

9. Accordingly, the present appeal stands dismissed.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.08.2025
Transmission Date	27.08.2025

