

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1331 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- SC/ST District- Sheikhpura

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1. Prabhat Sao @ Prabhat Kumar Son of Late Hari Shankar Prasad Resident of Village/Mohalla- Chewara, P.S.- Chewara, District- Sheikhpura
 2. Sandeep Sao @ Baudha @ Sandeep Kumar Son of Ashok Sao Resident of Village/Mohalla- Chewara, P.S.- Chewara, District- Sheikhpura
 3. Deepak Kumar @ Deepak Chaurasiya Son of Dinesh Prasad @ Dinesh Prasad Chaurasiya @ Bundi Chaurasiya Resident of Village/Mohalla- Chewara, P.S.- Chewara, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Abhishek Kumar @ Govind Chaudhary Son of Raju Chaudhary Resident of Village/Mohalla- Chewara, P.S.- Chewara, Dist.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sheo Nandan Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, A.P.P.
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-09-2025

Heard both sides.

2. The present appeal has been filed for quashing the order dated 21.12.2023 passed by the learned Additional District and Sessions Judge Ist cum SC/ST Special Judge, Sheikhpura in connection with SC/ST Case No. 101 of 2023 arising out of Sheikhpura SC/ST P.S. Case No. 27 of 2023 for the offences under Sections 147, 148, 149, 341, 323, 379, 504, 506 of the IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act whereby and whereunder the learned trial court has taken cognizance against the



appellants under Sections 341, 323, 34 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per prosecution case, on 05.08.2023 at about 9 AM informant was going to Biharsharif to appear in examination. In the meanwhile, appellants alongwith other armed with iron rod, lathi, pistol, hammer and spade assembled in the shop of appellant no. 1 which is situated near Gramin Bank Chewada. It is alleged that aforesaid persons attacked the informant while abusing him. It is further alleged that appellant no. 1 assaulted the informant upon the back side of his head by means of hammer as a result of which informant sustained head injury. It is alleged that wife of appellant no. 1 threw brick from the terrace. It is further alleged that appellant no. 3 pointed pistol upon the temple of informant. Thereafter, the aforesaid persons abused the informant by calling his name and thrashed him on the ground and appellant no. 2 took out Rs. 5,000/- from the pocket of informant.

4. On the basis of said written statement, SC/ST Case No. 101 of 2023 arising out of Sheikhpura SC/ST P.S. Case No. 27 of 2023 has been registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 504, 506 of the IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

5. Learned counsel for the appellants submits that provisions of SC/ST is not be applicable in the present scenario as any commission of offence does not take place in public view. He



further submits that occurrence took place in the shop of appellant no. 1. He further submits that wife of appellant no. 1 has also lodged FIR bearing Chewara P.S. Case No. 62 of 2023 against the informant and three-four unknown persons. He further submits that during the course of investigation, there was no material to take cognizance against the appellants. He further submits that appellant no. 1 has filed informatory petition with regard to the recovery of Rs. 4,290/- and in retaliation of the said informatory petition, false case has been lodged against the appellants. He further submits that informant is said to be habitual in lodging false FIR. He further submits that the present case is of civil nature as the appellant no. 1 is a business man and he is doing business with his wife in the shop of cloths and jeweler at the time of occurrence.

6. Learned counsel for the State and learned counsel for the informant submitted that column 11 of the charge sheet clearly denotes that charge sheet has been submitted against the appellants under Sections 341, 323 and 34 of IPC and the learned trial court has taken cognizance against the appellants under Sections 341, 323 and 34 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act on the basis of, *prima facie*, material available on record.

7. From perusal of the order dated 21.12.2023 passed by the learned Additional District and Sessions Judge Ist cum SC/ST Special Judge, Sheikhpura in SC/ST Case No. 101 of 2023 arising out of Sheikhpura SC/ST P.S. Case No. 27 of 2023, it appears that



same has been passed with due application of mind on the basis of charge-sheet submitted by the investigating officer and cognizance has been taken against the appellants by the learned trial court. It has been found that while recording the order of cognizance, the learned trial court has added Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act against the appellants and has passed reasoned order on the basis of material available on record.

8. Considering the facts and circumstances of the case and also that a *prima facie* case has been found against the appellants 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 21.12.2023.

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	05.09.2025.
Transmission Date	05.09.2025.

