

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1124 of 2025

Arising Out of PS. Case No.-6 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Vijay Nath Dubey Son of Late Jagat Narayan Dubey Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan
 2. Ashok Kumar Dubey Son of Late Jagat Narayan Dubey Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan
 3. Abhishek Dubey Son of Satya Narayan Dubey Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan
 4. Vicky Dubey Son of Ajay Dubey Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan
 5. Vipin Bihari Dubey Son of Ram Narayan Dubey Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manoj Manjhi Son of Nagina Manjhi Resident of Village- Bhitaula, P.S.- Darauli, Distt.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pritish Ranjan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 22-08-2025 Heard the parties.

2. This application is filed against the cognizance order dated 20.02.2025 passed by learned ADJ 1 cum Special Judge SC/ST Act, Siwan arising out of complaint case No. 06 of 2023 by which cognizance was taken against for the offences alleged under Sections 323, 504 of IPC & 3(1)(r) SC/ST Act and summons were directed to be issue against the appellants along with all the six accused.



3. As per prosecution case, it is alleged that while informant was going to his field for irrigation, Appellant no.1, Vijaynath Dubey, called him and asked him to irrigate his field. The informant replied that he would first irrigate his own field and thereafter irrigate theirs. Upon receiving such reply, the appellants and other started abusing him by taking his caste name and began hitting and punching him.

4. Learned counsel for the appellants has submitted that the appellants are quite innocent and have committed no offence as alleged in the FIR. All the inquiry witnesses were examined and they did not support the prosecution case. The certified copy of deposition of enquiry witnesses is attached as Annexure-P/2. Learned counsel for the appellants submits that there are no specific allegations against the appellants rather the same is general and omnibus in nature and on account of village politics, appellants have falsely been implicated in the case. Learned counsel submits that FIR was lodged on 14.12.2022 by the Appellant no.1 against complainant and in retaliation the present case has been filed. Learned counsel for the appellants submits that title suit no. 1922 of 2022 is also pending between complainant and enquiry witnesses.

5. Learned counsel on behalf of the State has submitted that



complainant has rightly pointed out that he has been abused, assaulted and caste name was used during the course of assaulting. Enquiry witnesses who have been examined on the behalf of the complainant have supported and corroborated the contents of the complaint petition and the concerned court has discussed all the materials available on record and given reason how the appellants and other have assaulted the complainant and the caste names were used and abused. The concerned court has rightly taken cognizance under Section 323, 504 of the IPC and section 3(1)(r)(s) SC/ST Act. Hence, no interference is needed.

6. From the perusal of the order dated 20.02.2025 passed by the learned ADJ 1 cum Special Judge SC/ST Act, Siwan, in complaint case No. 06 of 2023, it shows that same has been passed with due application of mind on the basis of complaint petition as well as statement of enquiry witnesses and after finding a prima facie case is made out against the appellants and other.

7. 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 complaint petition and the materials available on record, this Court is not



inclined to interfere with the impugned order dated 20.02.2025.

8. Accordingly, the present appeal stands dismissed at the stage of admission itself.

(Alok Kumar Pandey, J)

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