

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1256 of 2025**

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Vaishali

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1. Md. Yunus @ Khan Saheb @ Md. Yuneus Khan son of Md. Shahid village- Ahara Bari, Ps- Rajapakar, Dist- Vaishali
 2. Babulal Singh son of Ram Ishwar Singh village- Kashipur, Ps- Rajapakar, Dist- Vaishali
 3. Md. Sonu Khan @ Sonu Khan son of Md. Yunus village- Ahara Bari, Ps- Rajapakar, Dist- Vaishali

... .. Appellants

Versus

1. The State of Bihar
2. Sakal Paswan Son of Ram Chandra Paswan village- Sahdullapur, Ps- Ganga Bridge, Dist- Vaishali

... .. Respondents

Appearance :

For the Appellant/s : Mr.Santosh Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 24-11-2025

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present appeal is directed against the order dated 21.01.2025 passed by learned Special Judge (SC/ST), Vaishali at Hajipur in connection with SC/ST P.S. Case No. 01 of 2023, G.R. No. 01 of 2024 registered under Sections 341, 323, 447, 379, 325, 337, 504, 506/34 of the IPC and Section 3(i) (r)/3(i)(s) of SC/ST Act whereby the concerned court, in a most mechanical manner and without appreciating the materials on record, allowed the petition dated 12.12.2024 filed by



respondent no. 2 and directed to examine Lalbabu Paswan as a prosecution witness.

3. The prosecution story, in brief, is that respondent no. 2/ informant submitted written statement before the SHO of SC/ST Police Station, Hajipur, Vaishali stating therein that on 13.12.2022 at about 7:00 AM, informant was going to take tea at Sadullahpur Petrol Pump. Meanwhile two persons boarded on a motorcycle ran over the informant by the motorcycle as a result of which informant sustained injury. When the same was protested, accused persons abused the informant by taking his caste name, assaulted him by means of fists and slaps and also took out Rs. 2,000/- from the pocket of the informant. It is further alleged that before the said occurrence, on 03.08.2021 the accused persons dashed the informant by motorcycle due to which informant's left leg got fractured and he was treated at Sadar Hospital. It is further alleged that accused persons demanded Rs. 50,000/- from the informant for business and informant in presence of Babu Lal gave Rs. 50,000/- to Yunis Khan/appellant no. 1 and when the informant demanded the said money back, the alleged incident took place.

4. On the basis of written statement of informant, SC/ST P.S. Case No. 01 of 2023 has been registered under



Sections 341, 323, 447, 379, 325, 337, 504, 506/34 of the IPC and Section 3(i)(r)/3(i)(s) of SC/ST Act.

5. Learned counsel for the appellants has submitted that during course of trial all the charge-sheeted witnesses have been examined. Even Investigating Officer and doctor have also been examined. He further submits that on 12.12.2024 respondent no. 2 filed a petition for examination of Lal Babu Paswan as prosecution witness on the ground that said Lal Babu Paswan is eye witness of the said occurrence. He further submits that on 21.01.2025 the learned Special Judge, SC/ST, Vaishali at Hajipur, in a most arbitrary and mechanical manner without appreciating the materials on record, allowed the petition dated 12.12.2024 filed by respondent no. 2. He further submits that neither in the FIR nor in the case diary the respondent no. 2 ever took the name of Lalbabu Paswan as an eye witness and even during investigation, police did not record the statement of Lalbabu Paswan. Learned counsel further submits that the order passed by the concerned court is not justified and legal and hence, same is fit to be quashed.

6. Learned Special Public Prosecutor for the State has submitted that the concerned court while passing the order on 21.01.2025 has recorded the reasoning as to why



examination of Lal Babu Paswan is necessary as PW-1/Sakal Paswan has stated in para-9 of cross examination that when the informant had given Rs. 50,000/-, Lal Babu Paswan was present there and hence, it appears that Lal Babu Paswan is witness on the point of transaction of money. Learned Special Public Prosecutor has submitted that the order passed by the concerned court is justified and legal and hence, no interference is required.

7. After hearing the arguments of both parties and perusing the impugned order dated 21.01.2025, it is clear that the concerned court has recorded the reasoning as to why examination of Lal Babu Paswan is necessary as PW-1/Sakal Paswan has stated in para-9 of cross examination that when the informant had given Rs. 50,000/-, Lal Babu Paswan was present there and hence, it appears that Lal Babu Paswan is witness on the point of transaction of money. The contention of learned Special Public Prosecutor for the State is quite tenable and sustainable in the light of aforesaid facts and circumstances of the case and hence, there is no reason to interfere with the order passed by the concerned court.

8. In the light of the discussions made above, I find no reason to differ from the findings recorded by the concerned



court.

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

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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