

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1484 of 2024**

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Munger

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FULO DEVI WIFE OF MAHESH PASWAN RESIDENT OF VILLAGE -  
PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT -  
MUNGER

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PRATAP NARAYAN @ PRATAP NARAYAN CHOWDHARY SON OF  
RAMANAND CHOWDHARY RESIDENT OF VILLAGE - PARHAM,  
P.S. - NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT - MUNGER
3. HARERAM SAH SON OF KUSHESHWAR SAH RESIDENT OF  
VILLAGE - PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.),  
DISTRICT - MUNGER
4. PARMANAND CHOWDHARY SON OF CHANDRADEV  
CHOWDHARY RESIDENT OF VILLAGE - PARHAM, P.S. - NAYARAM  
NAGAR (SAFIABAD O.P.), DISTRICT - MUNGER
5. GAURAV THAKUR @ TIRKHAL @ GAURAV KUMAR @ TIRKHAL  
THAKUR SON OF BALESHWAR THAKUR RESIDENT OF VILLAGE -  
PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT -  
MUNGER
6. BASUDEO CHOWDHARY SON OF RAMDHAN CHOWDHARY  
RESIDENT OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR  
(SAFIABAD O.P.), DISTRICT - MUNGER
7. ANSHUMAN CHOWDHARY SON OF VINOD CHOWDHARY  
RESIDENT OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR  
(SAFIABAD O.P.), DISTRICT - MUNGER
8. INDAL CHOWDHARY SON OF LATE RAM CHOWDHARY RESIDENT  
OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.),  
DISTRICT - MUNGER
9. HARIOM CHOWDHARY SON OF FAKIRA CHOWDHARY RESIDENT  
OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.),  
DISTRICT - MUNGER
10. ANAND MOHAN THAKUR @ PINKU THAKUR SON OF  
BALESHWAR THAKUR RESIDENT OF VILLAGE - PARHAM, P.S. -  
NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT - MUNGER
11. MANTU SAH SON OF NANKESH SAH RESIDENT OF VILLAGE -  
PARHAM, P.S. - NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT -  
MUNGER
12. KUNDAN CHOWDHARY SON OF JAY RAM CHOWDHARY  
RESIDENT OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR  
(SAFIABAD O.P.), DISTRICT - MUNGER
13. MAHESH CHOWDHARY SON OF SAUDAGAR CHOWDHARY



RESIDENT OF VILLAGE - PARHAM, P.S. - NAYARAM NAGAR  
(SAFIABAD O.P.), DISTRICT - MUNGER

14. GANESH CHOWDHARY @ DUKHO CHOWDHARY SON OF  
RAMSWAROOP CHOWDHARY RESIDENT OF VILLAGE - PARHAM,  
P.S. - NAYARAM NAGAR (SAFIABAD O.P.), DISTRICT - MUNGER

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ratnakar Ambastha, Adv  
For the Respondent/s : Mr. Binay Krishna, SPP

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

**Date : 07-10-2025**

Heard both the parties.

2. The present appeal is directed against the order dated 18.01.2024 passed in SC/ST P.S. Case No. 20/2024 passed by Special Judge (SC/ST Act), Munger to the extent that cognizance was not taken against respondent nos. 10 to 14 under Sections 307 & 354 I.P.C. and further no cognizance was taken against Respondent Nos. 2 to 9.

3. As per prosecution case, informant (appellant) and his family members had gone to Durgasthan Temple for participating in the marriage rituals of daughter of Pramod Das. Her son Amit Kumar, Moti Paswan, Vinay Paswan, Babloo Paswan Mahesh Paswan were also participating in the said rituals. Her son Amit Kumar was taking snaps of the marriage rituals being held at the temple, meanwhile, Anand Mohan Thakur snatched out the mobile of her son, Pratap Narayan



Chowdhary, Mantu Sah, Mahesh Chowdhary, Kundan Chowdhary, Hareram Sah, Parmanand Chowdhary, Gaurav Thakur @ Tirkhal. Ganesh Chowdhary, Hariom Chowdhary, Anshuman Chowdhary and others arrived there and Pratap Narayan Chowdhary ordered to kill Amit Kumar and to throw him in the Ganga River. Mahesh Chowdhary, with intention to kill, put a Gamchha around the neck of her son, Anand Mohan and Pratap Narayan Chowdhary assaulted the informant's son with iron rod on his head, as a result of which he sustained injury and blood started oozing out . When informant came to rescue her son, Tirkhal Thakur and Hariom Chowdhary pushed her down on the earth and started assaulting with iron rod and *Lathi*. It is alleged that all the accused assaulted Moti Paswan, Babloo Paswan, Mahesh Paswan by means of iron rod and lathi and abused them by their caste name and threatened them to withdraw the earlier case.

4. Learned counsel for the appellant has submitted that witnesses have consistently supported the allegations made in the FIR and police after investigation rightly submitted charge-sheet against Respondent Nos. 10 to 14. It has been submitted the police has exceeded its jurisdiction and relied on the statement of one or two defence witness and did not file



charge-sheet against Respondent Nos. 2 to 9 whereas all the witnesses including injured except one or two witnesses have fully and consistently supported the prosecution case. It has been submitted that cognizance was taken on 08.01.2024 against Respondent Nos. 10 to 14 in the minor offences and no cognizance was taken against Respondent Nos. 2 to 9, causing prejudice to the appellant and victims of the case.

5. Learned counsel on behalf of the State has submitted that FIR has been lodged by the informant and the I.O after investigation submitted charge-sheet against Anand Mohan Thakur, Mantu Sah, Kundan Chowdhary, Mahesh Chowdhary, Ganesh Chowdhary and thereafter the concerned court has passed the impugned order dated 18.01.2024. It has further been submitted that the concerned Court has recorded the finding that the on the basis of perusal of F.I.R., chargesheet and after referring paragraphs 5,6,7, 19,20, 21, 22, 63 and 64, the court has found a *prima facie* case is made out against Anand Mohan Thakur, Mantu Sah, Kundan Chowdhary, Mahesh Chowdhary and Ganesh Chowdhary (respondent nos. 10 to 14), and accordingly, the concerned court has taken cognizance against respondent nos. 10 to 14 for the offence punishable under Sections 323, 325, 341, 504, 506/34 of the I.P.C. & Section 3(1)



(r)(s), 3(2)(va) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act. In this way, the concerned court has applied its judicious mind and after going through all the material available on record, the court has passed the reasoned order, and hence, no interference is needed.

6. From perusal of the order dated 18.01.2024 passed by the Special Judge (SC/ST Act), Munger in SC/ST P.S. Case No. 20 of 2023, it appears that the concerned court has well explained the reasons for passing the impugned order. The concerned court has recorded a finding that from perusal of the F.I.R., charge-sheet and paragraphs 5, 6, 7, 19, 20, 21, 22, 63 & 64 of the case diary, a *prima facie* case is made out against the accused persons namely, Anand Mohan Thakur, Mantu Sah, Kundan Chowdhary, Mahesh Chowdhary, Ganesh Chowdhary for the offence punishable under Sections 323, 325, 341, 504, 506/34 of the I.P.C. & Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act. The concerned court after applying its judicious mind and after considering the materials available on record, has taken cognizance against respondent nos. 10 to 14 and further has dropped the proceeding against the remaining respondents. In this way, the order passed by the concerned Court is justified



and legal and there is no reason to differ from the findings of the concerned Court recorded while passing the impugned order.

7. Keeping in view all the aspects and discussions made above, this Court finds no ground to interfere with the impugned order dated 18.01.2024.

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

10. However, the appellant will be at liberty to raise his grievance, if any, at the appropriate Stage.

**(Alok Kumar Pandey, J)**

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