

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1616 of 2024

Arising Out of PS. Case No.-159 Year-2020 Thana- RAJGIR District- Nalanda

Kunal Kumar Son of Sharda Kumar @ Sharda Singh Resident of Village and post office-Sithaura police station Rajgir, District Nalanda at present residing at ward No 6, Giriyak Road Rajgir, post office and police station Rajgir, District Nalanda (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mrityunjay Ranjan Son of Anil Paswan Resident of Village- Kutlupur, Police Station- Ben, District- Nalanda (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aklavya Chandan Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 16-06-2025 Heard the parties.

2. The present application has been filed for quashing the order of cognizance dated 27.09.2023 passed in Rajgir P.S Case No. 159 of 2020/Special (SC/ST) Case No. 108 of 2020 by the learned court of Sixth Additional District and Sessions Judge, Nalanda-cum-Special Judge, SC/ST Court, Nalanda at Bihar Sharif, whereby the learned court below has taken cognizance of alleged offences under Sections 147, 148, 149, 341, 323, 324, 504, 506 of I.P.C., 1860 as well as under Sections 3 (1)(r) (s) and 3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Act, 1989 (in short 'the Act of 1989).

3. After being satisfied that there was *prima facie* material against the appellant, the learned court below, vide



order dated 27.09.2023 in Rajgir P.S. Case No. 159 of 2020 (Special SC/ST Case No. 108 of 2020), issued summons against the appellant, differing from the opinion of the investigating authorities who had exonerated the appellant and had not sent him up for trial.

4. The learned court below, after considering the material available with the record, found that the case was made out against the appellant under Section 147, 148, 149, 341, 323, 324, 504, 506 of I.P.C., 1860 as well as under Sections 3 (1)(r) (s) and 3 (2) (va) of the Act of 1989, but it did not find *prima facie* case against the appellant under Sections 307 and 325 of the IPC.

5. After being satisfied that there were materials *prima facie* for issuance of summons, the impugned order was passed.

6. In my view, the order under appeal does not require interference. Accordingly, the appeal is dismissed.

(Nawneet Kumar Pandey, J)

kundan/-

U		T	
---	--	---	--

