

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1607 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Rahul Kumar Safi @ Rahul Kumar son of Bishnu Safi @ Vishnu safi
Resident of village – Shahid Chowk Ps- Jaynagar, Dist- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Chandra Panjiyar Son of Late Saryug Panjiyar Resident of Village - Bhelwa Tola, PS- Jaynagar, Dist- Madhubani
3. Abhijit Panjiyar Son of Arun Chandra Panjiyar Resident of Village - Union Tola Jaynagar,
4. Md. Abdulla Ansari Son of Late Jamil Ahmad Resident of Village - Bhelwa Tola, Ward No. 17, Ps- Jaynagar, Dist- Madhubani
5. Md. Sarfaraj Ansari Son of Late Md. Jamil Ahawad Resident of Village - Bhelwa Tola, Ward No. 17 Ps- Jaynagar, Dist- Madhubani
6. Md. Jamil @ Guddu @ Chikara Son of Md. Nasir, Resident of Village - Union Tola Ward No. 4 PS- Jaynagar
7. Rahul Jayswal Son of Raja Chaudhary Resident of Village - Bhelwa Tola, PS- Jaynagar, Dist- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gagandev Yadav, Adv. Mr. Udesb Kumar Yadav, Adv.
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For the Res. Nos. 2-7	:	Mr. Anil Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 23-09-2025

Heard the parties.

2. The present appeal is directed against the order dated 20.01.2024 passed by learned Additional Sessions Judge- 1st cum Special Judge, Madhubani arising out of C.R. No. 35 of 2023 registered under sections 147, 341, 323, 427, 379, 504/34 of the Indian Penal Code and Section 3(i)(r), 3 (i) (G), 3 (2) (va)



of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the learned Additional Sessions Judge-1st cum Special Judge (SC/ST), Madhubani has not taken cognizance against the respondents for the offence under sections 147, 341, 323, 427, 379, 504/34 of the Indian Penal Code and Section 3(i)(r), 3 (i) (G), 3 (2) (va) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act.

3. As per the prosecution case, As per prosecution case, the complainant (appellant) was working in the shop of one Ikwali Ansari and the said shop is situated near Jaihind Cinema Chowk and the shop of respondent no.2/Arun Chandra Panjiyar is situated in front of his shop. One customer went to the shop of respondent no.2 and returned back and took articles from the shop of Md. Ikwali Ansari. After half an hour, the respondents armed with deadly weapons came at the shop of Md. Ikwali Ansari and abused with offensive language and when the same was protested by the owner of the appellant the respondents brutally assaulted Md. Ikwali Ansari by various weapons. They also looted away the articles from the shop and destroyed the materials kept in the said shop. Respondent no.2 looted Rs.8,000/- from the cash bag of Md. Ikwali Anshari. It is further alleged that when the appellant came to rescue Md.



Ikwat Ansari, the respondents assaulted him with lathi and danda in the presence of several persons. Respondents abused the appellant by his caste name. It is further alleged that respondent nos. 2 and 4 spat on the mouth of appellant. The appellant sustained injury and was treated by the doctor. It is further alleged that respondents gave threatening to the appellant to send jail very soon.

4. Learned counsel for the appellant submits that there is specific allegation against the respondents regarding assault, abuse by caste name and spitting on the mouth of the appellant. It is submitted that the trial court has not taken in consideration any specific materials which were stated by the enquiry witness during course of enquiry. It is submitted that the trial court has not applied its judicial mind and has dismissed the complaint petition without taking into account the material available on record. It is submitted that the present appellant is aggrieved by the order dated 20.01.2024 passed by the trial court as there was sufficient material to take cognizance.

5. Learned counsel for the respondent nos. 2 to 7 as well as learned Special P.P. for the State submits that the trial court has given ample opportunity to produce the enquiry witness and complainant was also examined on S.A. He further



submits that the learned trial court has made query to complainant upon which the complainant replied that he has no knowledge whether the treatment was meted out to the injured or not. On the said count, credibility of statement of complainant is on question mark. It is submitted that other witnesses have stated that dispute has taken place between the parties regarding the customer. It is submitted that while dismissing the complaint petition, the concerned court has recorded the finding that the occurrence took place at the shop of Ikwali Ansari but he has neither filed complaint petition nor gave his evidence rather he used his employee as a complainant to file complaint against the accused persons. In this way, the learned trial court has given reason that provision of SC/ST Act has been misused by the complainant in the light of given facts and circumstances of the present case and finally the concerned court has recorded that, *prima facie*, no case is made out against Respondent Nos. 2 to 7 in the light of the present facts and circumstances of the case and, hence, the complaint petition has been dismissed under Section 203 of Cr.P.C.

6. From perusal of the order dated 20.01.2024 passed by learned Additional Sessions Judge-1st cum Special Judge, Madhubani arising out of C.R. No. 35 of 2023, it appears



that the learned trial court has well explained the reasons for which the complaint petition has been dismissed. The court has recorded the finding that the appellant, who has filed the complaint, is an employee of the shop of Md. Ikwai Ansari and belongs to a particular community and he has no knowledge whether the injured was treated or not and other witnesses stated that dispute arose on the issue of customer. The trial court has recorded that the occurrence took place at the shop of Md. Ikwai Ansari and he has not given any evidence and he has not filed any complaint petition rather he used the employee who belongs to a particular community for misusing the provisions of SC/ST Act.

7. Considering the facts and circumstances of the case, it is very much relevant that the trial court has given ample opportunity to the appellant to produce enquiry witnesses in support of complaint petition and the trial court has recorded the finding that *prima facie* no case is made out against Respondent Nos. 2 to 7 after discussing all the enquiry witnesses. Furthermore, the contentions raised by the learned counsel appearing for Respondent Nos. 2 to 7 and learned Special P.P. are quite tenable and sustainable in the light of the facts and circumstances of the case. The order passed by the learned trial



court is justified and legal.

8. In the light of the discussions made above, I find no reason to differ from the finding recorded by the learned trial court while passing the impugned order dated 20.01.2024.

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

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	28.09.2025.
Transmission Date	N/A

