

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1427 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- KAUWAKOL District- Nawada

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1. Pravesh Kumar @ Pravesh Mahto S/o- Mahendra Mahto Village- Vijho Bijho Ps- Kawakol Dist- Nawada
 2. Shakunti Devi W/o- Mahendra Mahto Village- Vijho Bijho Ps- Kawakol Dist- Nawada
 3. Sunita Devi W/o- Pravesh Kumar @ Pravesh Mahto Village- Vijho Bijho Ps- Kawakol Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi D/o- Mahesh Chaudhary Village- Vijho Bijho Ps- Kawakol Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar, Adv.
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
Date : 21-08-2025

Heard the parties.

2. The present appeal has been filed for quashing of the F.I.R. in Kawakol P.S. Case No. 91 of 2024 dated 08.03.2024 registered under sections 341, 323, 504, 506, 509 & 34 of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act alongwith charge-sheet dated



15.07.2024 and the order of cognizance dated 06.09.2024.

3. As per the prosecution case, when informant's mother was proceeding towards her field for irrigation, in the meanwhile, the appellants intercepted her in the way and started abusing and assaulted by means of *lathi* and *danda*. It is also alleged that informant's mother was being thrashed and all the three appellants concertedly assaulted her, as a result of which she sustained injuries. The informant's mother was taken to PHC Kawakol from where she was referred to Nawada for better treatment.

4. Learned counsel for the appellants has submitted that from perusal of the F.I.R. it is evident that there is no any averment with regard to using abusive word by caste name. Appellants are innocent and have committed no offence as alleged in the F.I.R. and there is no any independent witness who has supported the case during the course of investigation. The appellants have become victim of such a false case which has been narrated by none else but the informant. Learned counsel submits that event if the material on record is taken taken into consideration, there is no public place where the abusive words has been used. In the light of the aforesaid, no offence is made under the provisions of SC/ST (POA) Act.



5. Learned counsel for the State submitted that F.I.R. has been lodged under sections 341, 323, 504, 506, 509 & 34 of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of the SC/ST (POA) Act and allegation has been made by the informant that her mother was abused and assaulted and she was abused by her caste name. He submits that charge-sheet has already been submitted in this case against the present appellants. In the charge-sheet, it has been stated that abusive words by caste name was used by the appellants and they also assaulted the informant's mother. On the basis of the charge-sheet, order of cognizance has been passed.

6. From perusal of the order dated 06.09.2024 passed by Special Judge, Exclusive Court SC/ST (POA) Act, Nawada in CIS No. 193 of 2024 arising out of Kawakol P.S. Case No. 91 of 2024, it appears that same has been passed with due application of mind on the basis of charge-sheet and case diary and after finding a *prima facie* case is made out against the appellants on the basis of accusation in the F.I.R.

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 First Information Report and the material available on the record, this



Court is not inclined to interfere with the impugned order dated 06.09.2024.

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

9. However, the appellants will be at liberty to raise their grievance, if any, at the appropriate stage.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
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