

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1385 of 2025

Arising Out of PS. Case No.-67 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Ajit Kumar Jha S/O Mahendra Jha Village- Madhepur Purani Bus Stand, PS- Madhepur, Distt- Madhubani
 2. Ravindra Kumar Jha S/O Mahendra Jha Village- Madhepur Purani Bus Stand, PS- Madhepur, Distt- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Shivdhari Ram S/O Late Yugeshwar Ram R/O Vill.- Parsauni, P.S.- Bheja, Dist.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratnakar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 13-11-2025

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

2. The present appeal is directed against the order dated 22.06.2024 passed by the learned Additional Sessions Judge I cum Special Judge, Madhubani in connection with C.R. No. 67 of 2023 registered under 147, 148, 149, 323, 324, 307, 379, 406, 420, 120(B) of the IPC and Section 3(r)(s) of SC/ST Act whereby and whereunder cognizance for the offences under Sections 147, 323, 324, 308, 406, 420, 120B of the IPC and Section 3(i)(x) of the SC/ST (POA) Act, 1989 has been taken against the appellants and summon has been issued against the



appellants.

3. The prosecution story, in brief, is that complainant/respondent no. 2 is an Assistant Teacher in Primary School, Parsauni whereas appellant no. 1 is an Assistant Teacher in Adarsh Rajput Samaj Middle School, Madhepur and appellant no. 2 is a owner of hardware shop. It was alleged that Rs. 56,000/- was transferred in the account of appellant no. 2 as he agreed to supply material of good items within the reasonable time. It is further alleged that appellant no. 1 is in contact with BDO and he forcibly makes appellant no. 2 to embezzle the fund which is meant for the development of alleged school. It is alleged that on 20.06.2023, complainant was asked to appear in person before the office of SDO to give explanation. It is alleged that appellants concertedly has made up their mind to misappropriate the amount of Rs. 56,000/- under conspiracy. It is alleged that on 26.03.2023 after returning from the office of SDO, when the complainant/respondent no. 2 went to the shop of appellant no. 1 and made query regarding the supply of items as assured and demanded voucher. Thereafter, appellants started abusing the complainant and assaulted him by means of fists causing the complainant to fall on ground and also abused the complainant by calling his caste name. It is alleged that



appellants have threatened the informant to terminate him from his job and further threatened for dire consequences. It is alleged that appellant no. 1 put a towel around the neck of the complainant and started twisting it with intention to kill him. It is further alleged that at the behest of appellant no. 1, two unidentified person reached at the place of occurrence and then, at the behest of appellant no. 1, one unknown person take away Rs. 34,000/- from the pocket of complainant and appellant no. 2 snatched gold chain worth Rs. 60,000/- from the neck of complainant. It is further alleged that appellants repeatedly abused the complainant by denoting his caste name at public place.

4. On the basis of complaint petition, Complaint Case No. 67 of 2023 has been registered under 147, 148, 149, 323, 324, 307, 379, 406, 420, 120 (B) of the IPC and Section 3(r)(s) of the SC/ST.

5. Learned counsel for the appellants submits that appellants are quite innocent and have committed no offence as alleged in the complainant petition. He further submits that complainant has framed false allegations against the appellants as appellant no. 2 issued cash memo / Bill of supplied article in favour of Government Primary School, Parsauni for the



supplied material against the money received, as evident from Annexure 4 of the instant petition. He further submits that respondent no. 2 has falsely implicated the appellants in the present case with a view to save his skin from the offence committed by him and for which after enquiry, proper action has been recommended against the respondent no. 2. He further submits that appellants are quite innocent and the learned trial court has taken cognizance against the appellants without considering the material available on record. Hence, the present application is nothing but misuse of process of court.

6. Learned counsel for the State submits that complainant has specifically asserted that how the appellants have assaulted the complainant and how they have abused the complainant by denoting his caste name. He further submits that there is allegation against the appellants that they abused the complainant by calling his caste name and assaulted the complainant by means of fists and the contents of the complaint petition has been supported by SA on oath of complainant and appellants have also abused the complainant by denoting caste name and contents of allegation and manner of occurrence has been clearly supported by the complainant on SA on oath. Enquiry witnesses 1 and 2 have supported and corroborated the



allegation of complainant and the concerned court while passing the order of cognizance has recorded the reason for taking the cognizance on the basis of *prima facie* material available on record. He further submits that the learned trial court has applied its judicial mind and after going through all the material available on record, the court has passed the reasoned order and hence, no interference is needed.

7. After hearing arguments of both parties and perusing the material available on record, it is crystal clear that appellants have abused the complainant by his caste name and all the enquiry witnesses have supported and corroborated the allegation made by the complainant and the learned trial court while passing the order of cognizance has recorded that complainant and other two enquiry witnesses have supported the occurrence. There is no reason to differ from the finding of the concerned court.

8. In the light of the aforesaid facts and circumstances of the case, the order of cognizance passed by the concerned court is justified and legal and no interference is needed.

9. Keeping in view all the aspects and discussions made above, I find no reason to differ from the finding of the



trial court.

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

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	AFR
CAV DATE	N/A
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