

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1448 of 2025

Arising Out of PS. Case No.-80 Year-2021 Thana- CHANDRADIP District- Jamui

-
1. Satyam Kumar @ Gulshan S/O Late Niranjana Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.
 2. Shivam Kumar S/O Late Niranjana Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.
 3. Sindhu Kumar @ Dahal S/O Rajeshwar Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.
 4. Simple Kumar S/O Mukesh Kumar @ Mukesh Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.
 5. Dimple Kumar S/O Mukesh Kumar @ Mukesh Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.
 6. Mukesh Kumar @ Mukesh Singh S/O Late Kedar Singh Resident of Village- Noni, P.S- Chandradeep, District- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rampari Devi W/O Late Valmiki Paswan R/O Village- Kolhana, P.S- Chandradeep, Distt.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mrs. Priyanka Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 30-07-2025 Heard the learned Senior counsel for the appellants as well as the learned APP for the State.

2. The present appeal has been filed for quashing the order dated 23.01.2025 passed by the learned Additional Sessions Judge-I, Jamui, in connection with SC/ST Case No. 07 of 2025, arising out of Chandradeep P.S. Case No. 80 of 2021, whereby he was pleased to take cognizance against the



appellants under Sections 302/34 of the Penal Code, Section 27 of the Arms Act and Section 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. The informant Rampari Devi lodged an FIR stating therein that in the night of 07.07.2021, when she was sleeping on her roof, her sleep was interrupted hearing unusual sound and she saw the appellants, along with three unknown persons having country-made pistol and rifle, standing on her roof. She identified the appellants in the light of a bulb. The allegation against appellant no. 1 is that he fired on Ramotar Paswan, the father-in-law of the informant. Thereafter, appellant no. 2 also fired on her father-in-law. Appellant no. 4 uttered that her father-in-law was still alive, whereupon appellant no. 3 again fired on her father-in-law. Thereafter, they fled away. She stated further that the accused persons had entered into her house with intention to kill her brother-in-law (*debar*) Rajesh Paswan, but they mistakenly murdered her father-in-law.

4. According to post-mortem report, three perforated firearm injuries were found on the person of the deceased. The splinters were recovered from his dead body.

5. Mr. Yogesh Chandra Verma, learned Senior Counsel for the appellants, while assailing the order taking



cognizance, has submitted that the investigating authorities submitted final form against the appellants. He submitted further that the hands of the learned court below although, are not fettered with the opinion submitted by the investigating authorities but some foundational materials should be there in the order of the learned court below showing the reasons for differing with the opinion of the investigating authorities. He submitted further that the investigating authorities are also statutory authorities and their opinion, if not convincing in view of the learned court below, some reasons must be given for that. The investigating authorities submitted final form against the appellants stating the case to be true but clueless on the basis of the plea of *alibi* taken by the appellants.

6. On the other hand, learned counsel for respondent no. 2 has submitted that the order of the learned court below in differing with the opinion of the investigating authorities is well reasoned and after considering the evidences collected during course of investigation, he differed with the opinion of the investigating authorities. The informant is an eyewitness. She saw the accused persons while opening fire on the deceased. The splinters were recovered, as such, the materials collected during course of investigation are adequate for taking



cognizance.

7. The learned court below, after considering the materials during investigation, has taken cognizance. The order is well reasoned and need not be interfered with.

8. Accordingly, the appeal is *dismissed*.

(Nawneet Kumar Pandey, J)

Nirmal/-

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

