

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1870 of 2024

Arising Out of PS. Case No.-57 Year-2020 Thana- SC/ST District- Buxar

Abul Kalam @ Abdul Kalam S/o Late Abdul Majid @ Abdul Majeed R/o
Sabra House, Indrapuri Colony, Samanpura, Raja Bazar, P.S. - Shastri Nagar,
Distt. - patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Jhabbu Kumar Ram S/o Late Lal Bahadur Ram R/o vill - Rajapur @ Rajpur,
P.O. - Gosaipur, P.S. - Rajpur, Distt. - Buxar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 16-07-2025 Heard the learned counsel for the appellant, learned

APP for the State as well as the learned counsel for the

informant.

2. The present appeal has been filed against the order
dated 10.01.2024 passed in SC/ST P.S. Case No. 57 of 2020
(G.R. No. 233 of 2020) by learned Additional Sessions Judge
Cum Exclusive Special Judge SC/ST Act, Vaishali at Hajipur
whereby and whereunder the learned court below has taken
cognizance of the offences under Sections 341, 323, 427, 504,
506 and 34 of the I.P.C. and under Section 3(1)(r)(s) of the
SC/St (Prevention of Atrocities) Act, 1989 against the appellant.

3. Learned counsel for the appellant has submitted

that the informant became successful in securing the government services (Class-IV employee) job in 2015 on compassionate ground in place of his father after his death. The informant had concealed the fact that in the year 2010 he was convicted in a criminal case. The brother of the informant made complaint and after enquiry the informant was discharged from his services in the year 2017. Thereafter, the informant approached the Central Administrative Tribunal and the Central Administrative Tribunal directed the concerned authority for reconsideration of application of the informant. The appellant who was Welfare Officer was entrusted inquiry. He submitted his report disclosing the previous conviction of the informant, which was concealed by him. Learned counsel for the appellant has submitted that merely because the appellant had mentioned real facts in his report, he has falsely been implicated in the present case by the informant.

4. The learned counsel for the petitioner has submitted further that the court below did not consider this fact and rejected the petition of the appellant filed under Section 227 of the Cr.P.C by the impugned order dated 10.01.2024.

5. On the other hand, the learned counsel for the informant has submitted that after collection of evidences, the

charge-sheet was submitted against the appellant. Accordingly, the cognizance was taken and the charges were framed. The learned counsel for the petitioner replied that the order whereby the charges are framed has also been challenged by I.A. No. 01 of 2025.

6. From bare perusal of the F.I.R., shows that the offences under SC/ST Act is not made out against the appellant. The allegation of abusing by calling the caste name of the informant is only on Sushant Jha and Digvijay Singh and not against the present appellant.

7. So far as the charges under other sections of the I.P.C are concerned those appears to be false and frivolous, the appellant has reported against the informant and placed the real facts of the conviction of informant in his inquiry report, that is why he has been falsely implicated in the case.

8. On the basis of above-mentioned observation the impugned order dated 10.01.2024 passed by the learned Additional Sessions Judge Cum Exclusive Special Judge SC/St Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 57 of 2020 (G.R. No. 233 of 2020) refusing the application for discharge of the petitioner is hereby set aside and subsequent order dated 12.03.2025 whereby the charges were framed

against the appellant is also set aside.

9. Accordingly, the appeal and the Interlocutory Application No. 01 of 2025 stands allowed.

(Nawneet Kumar Pandey, J)

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