

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1777 of 2022

Arising Out of PS. Case No.-48 Year-2016 Thana- DHANSOI District- Buxar

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Dhananjay Rai @ Dhananjay Kumar Rai, Son of Late Ashok Kumar Rai
Resident Of Village- Awathahi, P.S.- Bhawarkol, Distt.- Ghazipur (U.P)
Presently Residing At Village - Katharai, P.S.- Dhansoin, Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar (Circle Officer), Rajpur, C/O -Sri Rajendra Prasad, R/V-
Patanwa (Khurd), P.S.- Indrapuri, Dist-Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar Roy, Advocate Mr. Srikant Pandey, Advocate
For the State	:	None.
For the Resp. No.2	:	None.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT

Date : 07-08-2025

Heard Mr. Anil Kumar Roy, learned counsel appearing
for the appellant.

2. The instant criminal appeal has been filed under
Section 14A(1) of the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act {in short, ‘SC/ST (POA) Act’}
against the order dated 19.12.2020 passed by the court of the
learned Additional District and Sessions Judge-I-cum-Special
Judge (SC/ST Act), Buxar, in SC/ST Case No. 126 of 2019
arising out of Dhansoin P.S. Case No. 48 of 2016, whereby the
learned trial court has taken cognizance of the offences



punishable under Sections 147, 148, 149, 186, 189, 307, 324, 332, 333, 341, 353, 379, 427, 467, and 506 of the Indian Penal Code (in short, 'IPC') and Section 3(1)(x) of the SC/ST (POA) Act against the appellant and others.

3. Mr. Anil Kumar Roy, learned counsel appearing for the appellant, submits that in the FIR, a total of 32 persons have been named and about 100 persons have been shown as unknown, allegedly involved in the commission of the occurrence. In the first part of the FIR, the allegation regarding creating an obstacle in the process of removing the encroachment has been made against several individuals who have been named therein; however, the name of the appellant does not appear in that part. Later, in the second part of the FIR, the appellant and some others were alleged to have instigated the co-accused to assault the informant and his companions. While instigating, the appellant allegedly abused them as well, but the said allegation is completely unbelievable. It is further submitted that it is hard to believe how the informant (respondent No. 2), whose office is situated about 40 km away from the alleged place of occurrence, was able to identify and name several co-accused persons—more than 30 in number—who have been named in the FIR. Furthermore, there is no specific allegation against this appellant



regarding the alleged instigation and abuse. It is also submitted that the land over which the process of removing encroachment was undertaken by the Circle Officer, Rajpur (informant), is not related to this appellant. He does not belong to either of the parties involved in the land dispute; therefore, there was no reason for the appellant to be involved in the alleged incident. Additionally, the appellant belongs to a different village than the place of occurrence. All these facts are sufficient to establish the appellant's innocence and clearly suggest that he has been falsely implicated by the Circle Officer (informant) with mala fide intent. It is lastly submitted that the learned trial court took cognizance of the alleged offences in a mechanical manner, without properly appreciating the aforesaid materials.

4. No one is present on behalf of respondent Nos. 1 and 2.

5. Heard both sides and perused the impugned order, FIR, and the case diary. Though the FIR has been registered against several persons, some have been named, and several others have been shown as unknown. As per the prosecution story, the respondent No. 2 is a government official, posted as Circle Officer, Rajpur, at the time of the alleged occurrence, he went to the place of occurrence to remove encroachment in



connection with Encroachment Case No. 04/2015-16. During the course of removing the encroachment, several persons obstructed the process, whose details have been mentioned in the FIR. As per the later part of the occurrence, the appellant and some co-accused persons allegedly instigated the crowd, consisting of several individuals, and also abused the Circle Officer and his companion officials. Thereafter, they were assaulted with fists, slaps, *lathis*, and *dandas*. During the course of investigation, the injured persons, including the informant/Circle Officer, were medically examined, and injuries were found on their persons. Their injury reports are available in the case diary. After perusing the case diary, this Court finds no reason to believe that respondent No. 2 falsely implicated the appellant in the alleged occurrence, in which several government officials sustained injuries. Furthermore, in the restatement, the informant supported the allegations concerning the appellant, and the statements of other witnesses are also relevant to those allegations. In my opinion, all these facts are sufficient to *prima facie* attract the alleged offences of which cognizance has been taken. As such, this Court finds no impropriety in the impugned order, and the instant appeal lacks merit. Accordingly, this appeal stands dismissed.



6. The appellant will have the liberty to raise his aforesaid grounds before the trial court at the time of framing of charges against him, and the trial court shall decide his prayer, if made in this regard, without being prejudiced by this order according to merit and in accordance with law.

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2025
Transmission Date	11.08.2025

