

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1586 of 2025

Arising Out of PS. Case No.-26 Year-2017 Thana- SC/ST District- Patna

-
1. Rana Ram Kishore Singh @ Rana Ram Kishor Singh S/o- Suresh Prasad Singh @ Suresh Singh Resident of Mohalla- Siddarth Nagar, Jagdeopath, P.S.- Hawai Adda, Dist- Patna
 2. Abinash Singh @ Avinash Kumar S/o- Rana Ram Kishore Singh @ Sri Rana Ram Kishor Singh Resident of Mohalla- Siddarth Nagar, Jagdeopath, P.S.- Hawai Adda, Dist- Patna

... .. Appellants

Versus

1. The State of Bihar Bihar
2. Munni Lal Paswan S/o- Late Nanhku Paswan Moh- Khajpura Ps- Hawai Adda Dist- Patna

... .. Respondents

Appearance :

For the Appellants	:	Mr.Sunil Kumar Singh, Advocate
For the Respondents	:	Mr. Sadanand Paswan, A.P.P
For the Informant	:	Ms. Shalini, Advocate
		Mr. Sanjeev Kr. Sharma, Advocate
		Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 19-08-2025

Heard the parties.

2. This is an application for quashing the order dated 28.01.2025 passed by the Learned Exclusive Special Judge SC/ST (P.O.A) Act, Patna in connection with Special (SC/ST) Case No. 772 of 2017 arising out of SC/ST P.S. Case No. 26 of 2017, registered under Sections 448, 341, 323, 379, 504/34 of the Indian Penal Code and 3(1)(r),3(1)(g),3(1)(z) of SC/ST act, against the appellants, whereby and whereunder the learned trial



court has rejected the discharge petition dated 03.05.2023 filed by the appellants and the case is pending before Learned Exclusive Special Judge SC/ST (P.O.A) Act, Patna.

3. As per prosecution case, informant submitted a written report, on 09.11.2017, before the S.H.O., SC/ST P.S Patna stating that informant alongwith *Jankuwari Devi* had sold 14 dhur land to Indu Devi and left a 6 feet wide and 45 feet long path for Indu Devi to use for pavement and the remaining land was kept by the informant for use. On 01.11.2017, when informant went to see his remaining land, Rana Ram Kishore Singh (appellant No.1) and Abinash Singh (appellant no.2) encroached upon the land of the informant and when the same was objected, appellants began to abuse him by calling caste name and they also assaulted informant by fists as a result of which he sustained injury. Appellant no. 2 took Rs. 5000 from informant's pocket and appellant no. 1 snatched the gold chain of the informant. Appellants also dashed the informant due to which he felt humiliated.

4. Learned counsel for the appellants has submitted that the impugned order is illegal and bad in law as the concerned court has failed to appreciate the merit of case and rejected the discharge petition. There was no any issue of land in question as



land has already been sold by the informant and no case is made out under Section 3(1)(r)(s)/3(2)(v) of S.C & S.T Act against the appellants. All the allegations are ornamental in nature and the allegation of special act is added with a view to harass the appellants.

5. Learned counsel on behalf of the State as well as learned counsel for the informant has submitted that in the FIR itself there is specific allegation against the appellants and after collecting material, Investigating Officer, has submitted charge sheet under Section 448, 341, 323, 379, 504/34 of the IPC and 3(1)(2) SC/ST Act and court has also taken cognizance under the same sections. It has been submitted that statement of witnesses under Section 164 of Cr.P.C supported the story of prosecution, and participation of the appellants in the said occurrence cannot be outrightly rejected. Hence, sufficient material are available to proceed with the case. The concerned court has aptly rejected the discharge petition.

6. From the perusal of the record, it is crystal clear that there are specific allegations against the appellants. The investigating officer, after collecting material during the course of investigation, has submitted charge sheet under said section and court has also taken cognizance under the aforesaid section.



After going through the impugned order dated 28.01.2025 passed by the Learned Exclusive Special Judge SC/ST (P.O.A) Act, Patna in connection with Special (SC/ST) Case No. 772 of 2017 arising out SC/ST P.S. Case No. 26 of 2017, it is found 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 made 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 materials available on record, this Court is not inclined to interfere with the impugned order dated 28.01.2025.

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

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2025
Transmission Date	NA

