

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1998 of 2024

Arising Out of PS. Case No.-63 Year-2022 Thana- SARAN COMPLAINT CASE District-Saran

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1. Shambhu Thakur S/o Late Sudarshan Thakur R/o Village-Kamta, P.S.-Baniapur, District-Saran
 2. Abhishek Thakur @ Abhishek Prakash S/o Shankar Thakur R/o Village-Kamta, P.S.-Baniapur, District-Saran
 3. Guddu Thakur @ Guddoo Kumar S/o Shankar Thakur R/o Village-Kamta, P.S.-Baniapur, District-Saran
 4. Rahul Thakur @ Rahul Kumar Thakur S/o Shankar Thakur R/o Village-Kamta, P.S.-Baniapur, District-Saran
 5. Ranjit Thakur @ Ranjit Kumar Thakur S/o Shankar Thakur R/o Village-Kamta, P.S.-Baniapur, District-Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Rijhan Sah R/o Village-Kamta, P.S.-Baniapur, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-02-2025 Learned counsel for the appellants undertakes to

remove the defect(s) as pointed out by the office.

2. Heard Mr. Sanjay Kumar Singh, learned counsel

for the appellants and Mr. Sadanand Paswan, learned Special PP.

3. The present appeal has been filed for:-

*“That this is an application for
quashing the order dated 04.06.2022
passed by Exclusive Special Judge SC/ST
(POA), Saran at Chapra in connection with
SC/ST Trail No. 119/2022 arising out of
Complaint Case No. 63/2022 in connection
with Saran Mahila P.S. Case No. 54/2021*



whereby and whereunder the learned Special Judge was pleased to take cognizance against the appellants u/s 323/506 of the Indian Penal Code and 3(1) (r) of the SC/ST (POA), Act and directed to issue summon against them and/or for the passing of any other order or direction which is found fit and proper by this Hon'ble Court in the facts and circumstances of the case.”

4. With the consent of the parties, the present appeal as also the Interlocutory Application No. 01 of 2024 have been taken up for final hearing.

5. As per the prosecution story, the complainant alleged that her husband resides outside to earn livelihood and she remains at home with three children. The allegation is that the appellants used to abuse her and throw garbage in front of her house with the purpose of forcing her to leave the place. When this was objected, on the date of occurrence, the allegation is that besides taking caste name, an abuse, they also resorted to fists and slaps. The lady was dragged in the process and as the locals arrived, they disbursed. The further allegation



is that in the past also, they had put her '*palani*' on fire.

6. The police investigated the matter and submitted final form putting the case to be in the category of land dispute. Thereafter, the court took up the matter and *vide* an order dated 04.06.2022, it recorded the reason for discarding the final form as besides the complainant two witnesses namely, Suraj Kumar and Manish Kumar supported the prosecution story. In that background, cognizance was taken under Sections 323/506 of the IPC and Sections 3(1)(r) of the SC/ST (POA) Act.

7. Aggrieved, the present appeal.

8. Learned counsel for the appellants submits that it is purely a civil dispute, Title Suit No. 375 of 2022 is also pending before the learned Sub-Judge-1, Saran at Chapra and only to put pressure, the present case. The injury report is not on record to support her case and as such, an interference is required.

9. Learned Special PP, on the other hand, submits that the occurrence is of the year 2021 whereas the Title Suit has been filed a year later. He submits that admittedly, it is the case of the complainant that to force her to leave the place, the occurrence took place, gets supported by the subsequent filing of the Title Suit. It is his further submission that when the



complainant herself alleged that they used fists and slaps, absence of injury report cannot be the reason not to take cognizance in the matter.

10. Having heard the parties and perusing the record as also the cognizance order dated 04.06.2022, it is clear that besides the complainant, two witnesses have also supported the prosecution story. Further, as rightly pointed out by the Special PP, the Title Suit is a subsequent move and it also fortifies the dispute which led to the occurrence as recorded by the learned court below. This takes the Court to only one conclusion that the appeal is bereft of merit.

11. Accordingly, the present appeal as also Interlocutory Application No. 01 of 2024 stand dismissed.

12. Learned counsel for the appellant, at this stage, submits that they may have liberty to approach the court again after subsequent order(s) is/are passed by the concerned court.

13. Learned Special PP submits that the said opportunity is always there to any person much less the appellants.

(Rajiv Roy, J)

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