

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1994 of 2024**

Arising Out of PS. Case No.-142 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Amarjeet Brijnandan Singh @ Amarjeet Singh @ Amarjeet @ Amarjit Kumar Singh S/o Late Brajnandan Singh R/o vill - Chakhaji, P.S. - Muffasil, Distt. - Samastipur
 2. Manish Kumar @ Hanish Kumar Singh @ Manish Kumar Singh S/o Late Brajnandan Singh R/o vill - Chakhaji, P.S. - Muffasil, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amrita Devi W/o Chandan Ram R/o vill - Raghunathpur Bela, P.s. - Muffasil, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Maruth Nath Roy, Advocate Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

4 13-02-2025 Heard Mr. Deepak Kumar, learned counsel for the
appellants and Mrs. Usha Kumari-1 representing the State.

2. The present appeal has been preferred:-

*“against the order dated 26.11.2019 passed
by the learned Special Judge SC/ST(POA),
Act, Samastipur in Complaint Case No. 142 of
2019 (T.R. no. 1143 of 2020) (presently T.R.
no. 1113 of 2022) by which he was pleased to
take cognizance against the appellants and
others under sections 323, 354(B), 379, 427,
504 of the Indian Penal Code and Under
sections 3(1)(r)(s)(w) of the Scheduled Caste
and Scheduled Tribes (Prevention of*



Atrocities) Act and summons has been issued to the accused persons.”

3. With the consent of the parties, the appeal is being taken up for the final hearing.

4. As per prosecution story, the complainant alleged that while passing through the home of the accused persons, she found several person present there. Upon enquiry why there is so much of crowd, the accused persons became agitated and abused by taking her caste name. Upon protest, she was assaulted, slapped and outraged the modesty. Upon help by her husband, he too was abused/assaulted. The locals saved them, it was seen by several independent witnesses. Though she approached the Police as also the Superintendent of Police, Samastipur but having unable to lodge FIR, the complaint.

5. The matter traveled before the concerned Court and vide an order dated 26.09.2019 on the basis of the statement made by the respondent no. 02 (Amrita Devi) as also seven witnesses, the court found prima facie case to be true under *sections 323, 354(B), 379, 427, 504 of the Indian Penal Code and Under sections 3(1)(r)(s)(w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.*

6. Aggrieved, the present appeal.

7. At the outset, learned State counsel pointed out that a



cognizance order of 2019 has been challenged in the 2024. Upon query, learned counsel for the appellants submit that they earlier moved in quashing application and later, the appeal.

8. The learned State-counsel has taken this Court to the said quashing matter to show that the quashing matter (Cr. Misc. No. 18267/2023) was preferred after passing of 4 years.

9. Though learned counsel for the appellants tried to pursue this Court that no case is made out, it has been vehemently opposed by the learned State-counsel submitting that the occurrence took place in full public view and beside the lady, seven witnesses have been examined and only thereafter, the cognizance order was passed.

10. Having gone through the facts of the case as also the materials available on record and the order dated 26.11.2019 of the concerned Court, this Court is satisfied that the Court has rightly taken cognizance in the matter. The appellants are further at fault by approaching the Court after an inordinate delay.

11. In that background, both the present appeal as also I.A. No. 01 of 2024 stand dismissed.

(Rajiv Roy, J)

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