

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2042 of 2024

Arising Out of PS. Case No.-41 Year-2019 Thana- SC/ST District- Madhubani

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1. Deepak Jha @ Dipu Jha @ Deepak Kumar Jha Son Of Nand Kishore Jha Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
 2. Nand Kishore Jha Son Of Late Ram Prasad Jha Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
 3. Braj Kishore Jha Son Of Late Ram Prasad Jha Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
 4. Sonu Jha @ Pankaj Son Of Yugal Kishore Jha @ Kundan Jha Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
 5. Monu Jha @ Prabhat Kumar Son Of Yugal Kishore Jha @ Kundan Jha Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
- Appellant/s

Versus

1. The State of Bihar
 2. Jahari Devi Wife Of Yogi Paswan Resident Of Village- Madhepur Ward No. 5 Ps- Madhepur, Dist- Madhubani
- Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Kant Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-01-2025 Learned counsel for the appellants prays for and is allowed to delete the paragraphs in which allegation has been made against a lawyer of the Court Mr. Manish Kumar 13 in course of the day in the Interlocutory Application No. 01 of 2024.

2. Heard Mr. Surya Kant Mishra, learned counsel for the appellants and learned Special PP for the State.

3. The present appeal has been preferred against the order dated 17.10.2021 passed by learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST, Madhubani in Madhubani SC/ST P.S. Case No 41/2019 GR case No 165/2019 whereby and where under the learned 1 Additional Sessions Judge-cum-Special Judge SC/ST, Madhubani has been pleased to take cognizance of offence under sections 341, 323, 354 and 504 of the I.P.C. and 3(I)(X) of SC/ST Act, against the Appellants mechanically, on a wrong and erroneous assumption of facts and law as well.

I.A. No. 01 of 2024

4. The present appeal has been preferred for condonation of delay of 652 days in filing the present appeal.

5. In the Interlocutory Application a vague statement has been made that earlier it was assigned to a different lawyer, the same could not be filed and as such, there is/was delay of 652 days.

6. Learned Special PP on the other hand opposes the prayer submitting that no plausible reason has been given for the such inordinate delay of 652 days and in that background, the same is fit to be dismissed.

7. Having gone through the facts of the case and the materials on record, this Court finds force in the submission of learned Special PP, there is inordinate delay of 652 days without



any proper explanation.

8. However, for the ends of justice, the same is allowed.

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9. It is the case of the appellants that Madhepur P.S. Case No. 172 of 2019 was registered relating to the incident of 30.10.2019 and this followed the present counter case filed on 05.11.2019, the allegations are vague and only to put pressure as they are having land dispute, a counter case has been filed.

10. Learned Special PP for the State opposes the prayer submitting that an occurrence took place on 30.10.2019 which led to the lodging of the F.I.R. two days later by the appellant and three days thereafter by the complainant clearly proves the incident. There is case and counter case, land dispute is the reason, in that background, prima facie case is made out.

11. Having gone through the facts of the case and the submissions put forward by the parties as also the order in question, this Court is in complete agreement with the learned Special PP, the fact remains that for the same occurrence, the appellants had lodged the F.I.R. clearly proves an incident took place, the appellants themselves have lodged the F.I.R. after two days, the complainant followed suit, in that



background, the order passed by the learned court taking cognizance in the matter needs no interference.

12. Accordingly, Cr. Appeal No. 2042 of 2024 stands dismissed.

(Rajiv Roy, J)

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