

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1895 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- SC/ST District- Nalanda

Kamla Devi W/O Ramanand Tanti @ Ramanand Prasad R/O Village- Rahui,
P.S.- Rahui, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Praveen Kumar @ Mukesh Kumar S/o Late Suresh Yadav R/O Village-
Rahui, P.S.- Rahui, District- Nalanda
3. Manoj Yadav @ Manoj Gop S/o Late Suresh Yadav R/O Village- Rahui,
P.S.- Rahui, District- Nalanda
4. Kiran Devi W/o Mukesh Yadav @ Praveen Kumar @ Putin Kumar R/O
Village- Rahui, P.S.- Rahui, District- Nalanda
5. Awdhesh Prasad S/o Harihar Mahto R/O Village- Rahui, P.S.- Rahui,
District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishwa Bijay Kumar, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 14-11-2025 Heard learned counsel for the appellant/complainant
and learned Special Public Prosecutor for the State.

2. The present appeal is directed for setting aside the
part of order of cognizance dated 22.01.2025 passed by learned
Addl. Sessions Judge-VI-cum-Special Judge, SC/ST Court,
Nalanda at Biharsharif in connection with SC/ST P.S. Case No.
25 of 2024/Special (SC/ST) Case No. 117 of 2024, whereby the
concerned Court has taken cognizance only against four accused
persons, namely Mithilesh Yadav @ Mithila, Pintu Yadav,



Mantu Kumar and Savita Devi @ Gulmani Devi under Sections- 341, 323, 354(B), 504, 506/34 of I.P.C. and 3(1)(r)(s)(w), 3(2) (va) of the SC/ST Act and has not taken cognizance against respondent Nos. 2 to 5, namely Kiran Devi, Manoj Yadav @ Manoj Gop, Praveen Kumar @ Mukesh Kumar @ Muresh Yadav and Awadhesh Prasad, who have not been sent up for trial by the Investigating Officer.

3. As per complaint petition, complainant Kamla Devi went to her land which is situated at Muhalla Rahui, Adharpur where accused persons, namely, Mithilesh Yadav @ Mithila, Manoj Yadav @ Manoj Gop, Praveen Kumar @ Mukesh Kumar @ Muresh Kumar, Pintu Kumar Yadav, Mantu Kumar, Savita Devi @ Gulmani Devi, Kiran Devi and Awadhesh Prasad armed with weapon came together and started preventing the complainant from passing through her land and when the complainant proceeded towards her land, it is alleged that accused Mithilesh Yadav @ Mithila caught hold of her hair and threw her on the ground and other accused persons assaulted her with kicks and punches on account of which the complainant sustained injury. Mithilesh Yadav took out Rs.5000/- from complainant's purse, accused Praveen Kumar @ Mukesh Kumar @ Muresh Yadav pulled her sari with bad intention due to which



the complainant was exposed and started molesting her. Manoj Yadav @ Manoj Gop tore the blouse of complainant. On commotion, people from vicinity came at the place of occurrence and all the accused persons started hurling abuses by taking her caste name. Pintu Kumar fired from pistol, however, the complainant escaped unhurt and Awadhesh Prasad is said to have snatched golden chain worth Rs. 60,000/- from the complainant's neck. All the accused persons threatened and abused the complainant by calling caste name. It is alleged that they threatened to rob her if she again came on the land. When complainant's two sons and three daughters and two other persons from her family came to her rescue, the accused persons started abusing and assaulting them also by calling the caste name.

4. On the basis of complaint petition filed by the complainant, Complaint Case No. 19 C of 2014 was lodged which was converted into SC/ST Nalanda P.S. Case No. 25 of 2004 under Sections 341, 323, 379, 354(B), 504, 506/34 of I.P.C. and 3(1)(r) (s)(w), 3(2)(va) of the SC/ST Act.

5. Learned counsel for the appellant/complainant has orally submitted that the instant case is registered for the illegal construction made on the land of the complainant. Husband of



the complainant sold the land in favour of the accused persons and on the sold piece of land accused persons started illegal construction. It is alleged that all the accused persons abused the complainant by caste name on working place where several persons were present and, thus, it was in public view. So provision of SC/ST (POA) Act is applicable in the present case. He further submits that charge-sheet has been submitted against co-accused Mithilesh Yadav @ Mithila, Pintu Yadav, Mantu Kumar and Savita Devi @ Gulmani Devi. He further submits that cognizance has not been taken against non-sentup accused persons, namely, Kiran Devi, Manoj Yadav @ Manoj Gop, Praveen Kumar @ Mukesh Kumar @ Muresh Yadav and Awadhesh Prasad. Learned counsel for the appellant has submitted that sufficient materials were available against those accused persons who were non-sentup accused but the concerned trial court, without appreciating the material available on record, took cognizance only against charge-sheeted accused namely Mithilesh Yadav @ Mithila, Pintu Yadav, Mantu Kumar and Savita Devi @ Gulmani Devi and the Court has not taken cognizance against respondent Nos. 2 to 5 who were non-sentup accused persons and hence, order passed by the concerned court is fit to be quashed.



6. Learned Special Public Prosecutor for the State has submitted that from perusal of the FIR it is evident that respondent no. 2 to 5 along with others came and started preventing the complainant from passing through her land and when the complainant proceeded towards her land, Mithilesh Yadav @ Mithila caught hold of her hair and threw her on the ground and other accused persons assaulted her with kicks and punches on account of which the complainant sustained injury. Mithilesh Yadav @ Mithila took out Rs.5000/- from complainant's purse, respondent no. 2 Praveen Kumar @ Mukesh Kumar @ Muresh Yadav pulled her sari with bad intention due to which the complainant was exposed and started molesting her. Respondent no. 3 Manoj Yadav tore the blouse of complainant. He further submits that all the accused persons started hurling abuses by taking her caste name. Pintu Kumar fired from pistol, however, the complainant escaped unhurt and Respondent no. 5 Awadhesh Prasad snatched golden chain worth Rs. 60,000/- from the complainant's neck. All the accused persons threatened and abused the complainant by calling caste name. He further submits that all the accused persons assaulted the family members of the complainant and also abused them by calling the caste name. He further submits that the



investigating officer after investigation on all points has given clean chit to respondent no. 2 to 5. The impugned order passed by the concerned court is on the basis of perusal of F.I.R., charge-sheet and case diary from which *prima facie* case is made out against the accused persons, namely, Mithilesh Yadav @ Mithila, Pintu Yadav, Mantu Kumar and Savita Devi @ Gulmani Devi under Sections- 341, 323, 354(B), 504, 506/34 of I.P.C. and 3(1)(r)(s)(w), 3(2)(va) of the SC/ST Act. The concerned court while passing order of cognizance on 22.01.2025 recorded the finding that there is no material available on record to take cognizance of the non-sentup accused persons. Hence, non-sentup accused persons, namely, Kiran Devi, Manoj Yadav, Pravin Kumar @ Mukesh Kumar and Awadhesh Prasad mentioned in the charge sheet is hereby discharged. Hence, the order of cognizance passed by the concerned Court is with due application of mind and no interference is needed.

7. After hearing the arguments of both parties and perusing the material available on record, it is evident that the concerned Court has passed the order on the basis of materials available on record. The Court has not taken cognizance against four non-sentup accused persons i.e. respondent no. 2 to 5, and



the Court has given reasoning as to why the cognizance has been taken against four accused persons, namely, Mithilesh Yadav @ Mithila, Pintu Yadav, Mantu Kumar and Savita Devi @ Gulmani Devi against whom charge sheet has been submitted by the investigating officer. The contention of learned Special Public Prosecutor for the State is quite tenable and sustainable in the light of aforesaid facts and circumstances of the case. So, there is no reason to interfere with the order passed by the concerned trial court.

8. In the light of the discussions made above, I find no reason to differ from the findings recorded by the concerned court.

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

10. However, the appellants may raise all the points, which have been raised before this court, at appropriate stage.

(Alok Kumar Pandey, J)

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