

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2015 of 2025

In
CRIMINAL MISCELLANEOUS No.45934 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

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Ram Lawlin Singh S/O Sudama Singh R/O Vill.- Akorhi, P.s.- Belon, Dist.-
Kaimur. At Present- R/at Plot no. 187, Bhagwanpur Lanka, Varanasi, U.P.

... .. Appellant

Versus

1. The State of Bihar
2. Khushboo Kumari D/O Shyam Narayan Paswan R/O Vill.- Akorhi, P.s.-
Belaon, Dist.- Kaimur.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Ramchandra Singh, Adv.
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For Resp. No. 2	:	Mr. Parwez Khan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
respondent no. 2/informant.

2. The present appeal is directed against the order
dated 21.05.2022 passed by learned Additional Sessions Judge-
I-cum Special Judge, Kaimur at Bhabua in connection with
Bhabua (Mahila) P.S. Case No. 64 of 2021 registered under
Sections 376, 420, 323, 341, 504/34 of the IPC and Section 3(x)
(xi) (xii) of SC/ST Act whereby the concerned court has taken
cognizance for the offences under Sections 376, 420, 323, 341,
504/34 of the IPC and Section 3(i)(r)(s)(w), 3(2)(v) of SC/ST



Act against the accused persons including the appellant.

3. The prosecution story, in brief, is that respondent no. 2/ informant submitted written statement before the SHO of Mahila Police Station, Bhabua stating therein that co-accused Rakesh Singh while alluring the informant on the pretext of marriage as well as providing job, took the informant to Haryana. It is further alleged that while staying in Haryana co-accused Rakesh Singh sexually exploited the informant on the pretext of marriage as a result of which informant became pregnant. It is further alleged that on 13.07.2021 co-accused Rakesh Singh after leaving the informant at Bhabua Railway Station tried to escape but he was caught by the informant upon which co-accused Rakesh Singh abused the informant by taking her caste name. When informant and her father went to the house of co-accused Rakesh Singh, co-accused Gauri Shankar Singh, appellant and others became aggressive and abused the informant and her father taking their caste name. It is alleged that on 23.07.2021 informant and her parents were abused and assaulted by means of lathi-danda by family member of co-accused Rakesh Singh and finally marriage was refused by co-accused Rakesh Singh.

4. On the basis of written statement of informant,



Bhabua (Mahila) P.S. Case No. 64 of 2021 has been registered under Sections 376, 420, 323, 341, 504/34 of the IPC and Section 3(x) (xi) (xii) of SC/ST Act.

5. Learned counsel for the appellant has submitted that appellant is uncle of co-accused Rakesh Singh. Appellant was builder and father of the victim/informant was employed by the appellant. It is further submitted that informant's father took money from the appellant's father as well as appellant and when the said money was not returned by the informant's father, Complaint Case No. 997 of 2021 was filed by the father of the appellant against informant's father and he was also removed from the service due to which the present false case has been lodged by the informant against the appellant. He further submits that so far as the allegation of Section 376 of the IPC is concerned, there is no verbatim uttered by the informant against the appellant either in the statement under Section 164 of the Cr.P.C. or in the initial version of prosecution story. He further submits that there is delay of about three and a half months as the alleged occurrence took place on 23.07.2021 and FIR was lodged on 01.11.2021 and no plausible explanation has been given regarding the said delay which questions the authenticity of the prosecution story. The appellant has no role in the said



occurrence and he has been made accused in the present case just to pressurize him. He further submits that occurrence, as alleged in the FIR, has not taken place in public view and hence, no case under SC/ST Act is made out against the appellant. The appellant is quite innocent and has committed no offence as alleged in the FIR. He further submits that the investigating officer after investigation on all points has given clean chit to the appellant. Even the CDR does not indicate that the appellant was present at the place of occurrence but the concerned court without taking into account the materials available on record took cognizance which is not tenable and sustainable in the eye of law and hence, impugned order is fit to be quashed.

6. Learned Special Public Prosecutor for the State submitted that from perusal of the FIR itself, it is evident that there is allegation against the appellant that when informant and her father went to the house of co-accused Rakesh Singh, appellant and others became aggressive and abused the informant and her father taking their caste name. He further submits that the accusation as alleged in the FIR clearly reflects that occurrence took place in public gaze and hence, contention of learned counsel for the appellant is neither tenable nor sustainable in the light of the accusation made in the FIR. He



further submits that the investigating officer after making investigation on all points has given clean chit to the appellant and submitted charge sheet against co-accused Mukesh Singh and Gauri Shankar Singh under Sections 376, 420, 341, 323, 504, 34 of the IPC and Sections 3(i)(r)(s)(w), 3(2)(v) of SC/ST Act. He further submits that the concerned court while passing order of cognizance dated 21.05.2022 has recorded the reason as to why he is differing from the final form submitted by the Investigating Officer in respect of the appellant. The concerned court has recorded that after perusal of record and whole case diary, restatement of informant and para 5, 6 and 7 of the case diary, *prima facie* material is available against the appellant and others and hence, impugned order is justified and legal and there is no reason to interfere with the order passed by the concerned court on 21.05.2022.

7. After hearing the arguments of both parties and perusing the material available on record, it is clear that there is allegation against the appellant that when informant and her father went to the house of co-accused Rakesh Singh, appellant and others became aggressive and abused the informant and her father taking their caste name. The concerned court while passing order of cognizance has recorded that after perusal of



record and whole case diary, restatement of informant as well as para 5, 6 and 7 of the case diary, *prima facie* material is available against the appellant also, against whom final form 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 and hence, there is no reason to interfere with the order passed by the concerned 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 appellant may raise all the points, which have been raised before this court, at appropriate stage.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	21.11.2025
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