

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2497 of 2024

Arising Out of PS. Case No.-20 Year-2020 Thana- MASHRAK District- Saran

1. Harendra Upadhyay S/o Late Rameshwar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
2. satyendra Upadhyay S/o Late Rameshwar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
3. Upendra Upadhyay @ Upendra Kumar Upadhyay S/o Late Rameshwar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
4. Shoshindra Upadhyay @ Sashindra upadhyay S/o Late Rameshwar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
5. Raja Upadhyay S/o Late Tukar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
6. Saroj upadhyay S/o Late Baleshwar Upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran
7. Sandeep Upadhyay S/o Late Baleshwar upadhyay R/o Village-Jajauli, P.S.-Mashrakh, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Tetra Devi W/o Devlal Ram R/o Village-Jajauli, P.S.-Mashrakh, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Koshalendra Rai, Adv.
For the Respondent/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
Date : 16-09-2025

Heard learned counsel for the appellants and learned
counsel for the State.

2. The present appeal is directed against the order dated 07.03.2024 passed by Special Judge, SC/ST (POA) Act, Saran at Chapra in Mashrakh P.S. Case No. 20 of 2020 (SC/ST Trial No. 53 of 2021), whereby and whereunder discharge petition under section 227 Cr.P.C. filed by the appellants has



been rejected.

3. As per the prosecution case, the complainant and her husband went to the appellants' home asking their previous daily wages on 08.01.2020 around 9 AM. It is alleged that appellants started abusing them by using caste remarks. It is further alleged that when the informant and her husband requested appellant no. 1 not to use their caste name, appellant no. 1 ordered to assault the informant. On this, appellant no. 3 caught the hair of the informant and thrashed her on the ground and thereafter all others assaulted her by means of slippers and shoes and dragged her on the ground. It is also alleged that informant was abused by the appellant and people of nearby came to save them.

4. Learned counsel for the appellants submits that investigation has been taken place and charge-sheet has been submitted on 30.11.2020 against all the appellants under section 147, 341, 323, 504 and 506 I.P.C. and section 3(i)(r)(w)/3(2) (va) of the SC/ST (POA) Act and cognizance has been taken accordingly against all the appellants. It is submitted that all the witnesses including the informant are family members and they are interested witnesses. There is a land dispute between the families of the appellants and the informant. It is submitted that



the concerned court while dismissing the discharge petition has not discussed the points raised in the petition under section 227 Cr.P.C. It is submitted that no occurrence took place in public view and there is an earlier case lodged by the appellants side against the informant's side but the same has not been considered by the concerned court while dismissing the discharge petition.

5. Learned counsel for the State has submitted that accusation made in the F.I.R. are quite specific against the appellants. The appellants and informant both are resident of the same village and they are well aware of the fact as to which caste the informant and his family members belong to. The informant has suffered a lot by the act of the appellants. It is submitted that the concerned I.O. after due investigation submitted charge sheet against the appellants on all points upon which allegation has been made. The concerned court has taken cognizance on the basis of charge-sheet submitted by I.O. It is further submitted that the order dated 07.03.2024 is quite specific with regard to materials as mentioned in paragraphs 2, 7, 8 and 9 of the case diary where the statement of informant and other witnesses are quite supportive of the accusation made in the first information report. The order is quite speaking that



sufficient material is available for framing charge and 07.05.2024 has already been fixed as the date for framing of charge, which is more than a year back, and for the said purpose appellants had to appear before the concerned court. While recording the rejection order, the concerned court has referred that accusation made against the appellants in the F.I.R. is quite specific and when same was protested, the appellants assaulted the informant. The order passed by the concerned court rejecting the discharge petition is based on sound reasoning and no interference is needed.

6. Considering the facts and circumstances of the case, arguments advanced on behalf of the parties and the materials available on the record, it is quite evident that accusation has been made against the appellant on a particular date, informant being a victim has raised allegation against the appellants, charge-sheet has been filed by the I.O. on the relevant point and the concerned court has taken cognizance accordingly.

7. From perusal of the order dated 07.03.2024, it is quite evident that the concerned court has referred paragraphs 2, 7, 8 & 9 of the case diary wherein the informant and other witnesses in their statement have supported and corroborated the



alleged occurrence in the story of prosecution. From perusal of the impugned order it is crystal clear that sufficient materials has been found by the concerned court to proceed. The concerned court has recorded the finding that for the purpose of framing the charges sufficient material is available in the case diary and reasoning has been given by the concerned court that the informant and other witnesses in their statement have fully supported the allegations made in the F.I.R. and the alleged occurrence and on the said ground the discharge petition has been rejected.

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

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

10. It is made clear that any observation made by this Court shall not prejudice the trial of the case.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
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