

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2821 of 2024

Arising Out of PS. Case No.-244 Year-2017 Thana- BARH District- Patna

Sunil Kumar @ Sunil Pandit S/o- Late Devi Pandit Mohalla- Paijawapar Barh
W.No- 22 Ps- Barh Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Kumari Devi wife of Jawahar Lal Das Mohalla- Kajichak Ps- Barh
W.No-23, Ps- Barh Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Prasad, Adv.
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 09-09-2025

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

2. Petitioner seeks quashing of the order dated 22.03.2024 passed by Exclusive Special Court (SC/ST Act), Patna in Special (SC/ST) Case No. 655 of 2017 arising out of Barh P.S. Case No. 244 of 2017, whereby and whereunder cognizance has been taken under sections 341, 323, 504/34 of the Indian Penal Code and sections 3(i)(r) of SC/ST (Prevention of Atrocities) Act.

3. As per the prosecution case, on 21.08.2017 at 7.00 PM the present appellant, his two sons and four unknown persons came at the house of the informant and started abusing.



Is is further alleged that when the husband and son of the informant protested, then appellant and others assaulted the husband and son of the informant by means of fists, slaps and legs. It is further alleged that both the sons of appellant assaulted the daughter-in-law of the informant. It is further alleged that when informant raised alarm, appellant snatched gold chain and earring of the informant and started fleeing away. While fleeing away, Ankit Kumar, son of the appellant, taking the caste name of the informant threatened for dire consequences.

4. Learned counsel for the appellant has submitted that appellant is working as Prabhari Pradhan Sahayak-sah-Naksha Prabhari and there is no specific allegation against him, rather the allegations levelled are general and omnibus in nature. The allegation with regard to snatching the gold chain and earring is ornamental in nature and has been added merely to make the offence graver. It is submitted that no one has sustained any injury and no injury report is on the record. The appellant has not used a single word regarding caste name of the informant and as per the F.I.R. the place of occurrence is not a public place. In the light of the aforesaid, no offence is made out against the appellant under the provisions of the SC/ST (POA) Act. There is case and counter case between the parties. It is



submitted that prior to the lodging of the present F.I.R., the appellant had lodged Barh P.S. Case No. 242 of 2017 under sections 341, 323, 324, 353/34 I.P.C. against the informant and his other family members, as contained in Annexure- 6. It is submitted that appellant was on Government duty as per the order of the Executive Officer, Nagar Parishad, Barh. It is further submitted that for redressal of the grievance raised by Asha Devi, resident of Ward No. 23, Mohalla- Kajichak, Barh, Patna, by sending application dated 21.08.2017, as contained in Annexure-3, a Committee was constituted in which appellant was one of the member, as is evident from Annexure-4, and the present case is nothing but has merely been filed in retaliation of the conduct which was done by the appellant while discharging his official duty. In the light of the aforesaid, no offence is made out against the appellant.

5. Learned counsel for the State submitted that there is specific accusation against the appellant that he used abusive word with regard to caste name of the informant. It is submitted that on the basis of written statement of the informant the present F.I.R. has been lodged and after investigation police has submitted charge-sheet against the present appellant under sections 341, 323, 504/34 I.P.C. and section 3(1)(r) of SC/ST



Act and two accused persons namely, Amitabh Kumar Ankit and Ankit Kumar Amitabh have not been sent up for trial. It is submitted that the concerned court after hearing the parties and considering the charge-sheet and the case diary, finding *prima facie* case took cognizance under the aforesaid sections against the appellant. The concerned court has passed the order taking cognizance after due application of mind and on the basis of the materials available on the record. In the light of the aforesaid, the order taking cognizance passed by the concerned court requires no interference.

6. Considering the facts and circumstances of the case, the arguments advanced on behalf of the parties and the materials available on the record, the contention raised by the appellant is not tenable in the light of the fact that investigation has already been completed on all points and charge-sheet has already been submitted.

7. From perusal of the record, it is crystal clear that sufficient materials has been found by the concerned court to proceed. After going through impugned order dated 22.03.2024 passed by Exclusive Special Court (SC/ST Act), Patna in connection with Special (SC/ST) Case No. 655 of 2017 arising out of Barh P.S. Case No. 244 of 2017, it is found that



same has been passed with due application of mind on the basis of charge sheet and case diary and after finding a prima facie case is made out against the appellant on the basis of accusation made in the FIR.

8. Considering the facts and circumstances of the case and also that a prima facie case has been found against the appellant having regard to the accusations in the First Information Report and the materials available on record, this Court is not inclined to interfere with the impugned order dated 22.03.2024.

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

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	10.09.2025
Transmission Date	10.09.2025

