

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3227 of 2024

Arising Out of PS. Case No.-1136 Year-2018 Thana- COMPLAINT CASE District- Jamui

Puja Kumari Wife of Shri Mukesh Kumar Resident of Village - Bodhwan
Talab, P.O., P.S. and District - Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Das Son of Late Sahdeo Das Village, Post and Police Station -
Girdhour, District - Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Rajpati,Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP
For the informant	:	Mr. Manoranjan Kumar, Adv. Mr. Akshant Ankit, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-02-2025 Learned counsel for the appellant undertakes to
remove the defects as pointed out by the office.

2. Heard Mr. Pramod Rajpati, learned counsel for the
appellant, Mr. Binay Krishna, learned Special P.P. as also Mr.
Akshant Ankit representing Mr. Manoranjan Kumar learned
counsel for the informant.

3. The present appeal has been filed for:-

*“ That, the present memo of appeal is
being filed for quashing the cognizance order
dated 05.01.2019 passed by the learned
Additional District Judge 1st, Jamui in
Complaint Case No. 1136© of 2018, Special*



Case No. 70 of 2019 whereby the learned court below has taken cognizance on 05.01.2019 for offences u/s 323, 341, 504 IPC and Section 3(1)(r)(s) of the SC/ST Act.

4. As per the prosecution story, the complainant alleged that he was sitting on the chair of the accused when offended by his occupying the said chair, he was abused/taken caste name and the accused wanted the cleaning of the said chair. This appellant also threw the left over food on him. The allegation is that he was dragged to the open place/abused, taken caste name, assaulted and only due to timely intervention of the locals, saved.

5. Learned court below took up the complaint and on the basis of materials on record/statement of the victim/witnesses took cognizance on 05.01.2019 under sections 323, 341, 504 IPC and sections 3(1)(r)(s) of the SC/ST Act.

6. Aggrieved, the present appeal.

7. It is the case of the appellant that the assault took place at the house of the appellant, there was no occasion for the complainant to come to his house, the abuse/assault theory is assigned to other accused persons. So far this appellant is concerned, only allegation is of having thrown the left over food



on him. She was admitted to a Government Hospital and then to a Private Nursing Home as the lady delivered a child at the time the occurrence took place and as such, she has been wrongly dragged in the case.

8. In this case, besides the learned Special PP, learned counsel for the informant is also appearing and both have jointly submitted that the Court has only to take into account as to whether a *prima facie* case is made out against the accused persons including this appellant or not. It is their submission that a perusal of the complaint would show that infuriated by the complainant having occupied the chair, not only abused, also assaulted in full public view as there is the second part where he was dragged out from the house. The allegation of throwing the left over food is also on this lady.

9. So far as the claim that she delivered child on the day the occurrence took place, the learned counsel for the informant has taken this Court to the dates to show that she delivered child on 08.07.2018 whereas the occurrence took place on 12.07.2018. He further submits that even the Nursing Home document shows that it is pre-delivery document dated 04.07.2018 and only to save her skin, subsequent addition of private hospital has been made on 12.07.2018.



10. Having gone through the facts of the case and the materials on record as also the submissions of the parties, clearly, the case is made out against all the accused persons including the appellant. The claim, that she was not present at the time of occurrence, is falsified by the documents on record as the Government document shows that she delivered the child on 08.07.2018 and was discharged with providing certain calcium tablets to be taken for a month. The subsequent document is of Private Nursing Home and not of Government Hospital.

11. The opportunities will be there for accused persons/appellant to show their innocence before the concerned court when the stage comes. No relief can be granted in the present case, as this Court is convinced that the case is made out and in that background, the cognizance has rightly been taken by the court concerned.

12. Accordingly, both the Interlocutory Application No. 01 of 2024 as also the present appeal stand dismissed.

(Rajiv Roy, J)

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