

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2909 of 2025

Arising Out of PS. Case No.-541 Year-2024 Thana- GAYA KOTWALI District- Gaya

1. Sanjeet Kumar @ Sanjeet Kumar Singh @ Sanjiv Kumar S/o Madan Singh R/o Mohalla - New Godown Pahsi Lane, Near Sai Mandir, Gaya, P.S.- Kotwali, Distt.- Gaya
2. Santosh Kumar @ Santosh Kumar Singh S/o Madan Singh R/o Mohalla - New Godown Pahsi Lane, Near Sai Mandir, Gaya, P.S.- Kotwali, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Munna Ram S/o Ramdas Mochi R/o Mohalla - New Godown, Ravidas Tola, Gaya, P.s.- Kotwali, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, A.P.P.
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 20-11-2025

Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The present appeal is directed against the order dated 23.04.2025 passed by learned Special Judge, SC/ST Act, Gaya in connection with Tr. No. 38 of 2025 arising out of Kotwali P.S. Case No. 541 of 2024 registered under Sections 126(2), 115(2), 352, 3(5) of BNS and Section 3(1)(r)(s) of the SC/ST (POA) Act, 1989 whereby the concerned court has taken cognizance under Sections 126(2), 115(2), 352 and 3(5) of BNS



and Section 3(i)(r)(s) of SC/ST (POA) Act against the appellants.

3. The prosecution story, in brief, is that informant was working as a cleaner in Gaya Nagar Nigam ward no. 08 and on 12.10.2024 at about 9.30 A.M, informant was cleaning the Chitragupta field situated in New Godown Mohalla Gaya along with cleaners namely Ashish Das, Bichhi Devi and Anand Paswan. In the meantime, both the appellants came and asked the informant to clean toilet of their house for which the informant denied and then it is alleged that the appellants became angry and while abusing with caste indicative names of the informant, they started assaulting him. It is further alleged that appellant no. 2 assaulted the informant by means of legs and fists and appellant no. 1 assaulted informant by means of iron rod with intention to kill him. On raising alarm, nearby people came and saved the informant.

4. On the basis of written application of informant, Kotwali P.S. Case No. 541 of 2024 has been registered under Sections 126(2), 115(2), 352 and 3(5) of BNS and Section 3(i)(r)(s) of SC/ST (POA) Act.

5. Learned counsel for the appellants has submitted that Investigating Officer after completion of investigation has



found the case untrue on the basis of material available and has given clean chit to the appellants. He further submits that court has taken cognizance differing from the opinion of Investigating Officer. 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 appellants. The concerned court has not assigned the reason as to why the cognizance has been taken against the appellants and hence, the order of cognizance is not justified and legal and same is fit to be quashed.

6. Learned Special Public Prosecutor for the State and learned counsel for the informant submitted that there is specific allegation against the appellants that while abusing the informant by using caste indicative language, they assaulted him. They further submit that appellant no. 2 assaulted the informant by means of fist and leg and appellant no. 1 assaulted the informant by means of iron rod. They further submit that accusation as alleged in the FIR clearly reflects that occurrence took place in public gaze and hence, the contention of learned counsel for the appellants is neither tenable nor sustainable in the light of the accusation made in the FIR. They further submits that the learned trial court while differing from the opinion of



Investigating Officer has quoted the reasoning that the re-statement of informant and other materials are available to take cognizance against the appellants under Sections 126(2), 115(2), 352 and 3(5) of BNS and Section 3(i)(r)(s) of SC/ST Act. On the aforesaid facts and circumstances of the case, the order passed by the concerned court is justified and legal and there is no reason to interfere with the order passed by the concerned court on 23.04.2025.

7. After hearing the arguments of both parties and perusing the material available on record, it is crystal clear that there is specific allegation against the appellants that while abusing the informant by using caste indicative language, appellants assaulted the informant. Appellant no. 2 assaulted the informant by means of fist and leg and appellant no. 1 assaulted the informant by means of iron rod. The concerned court while passing the order of cognizance has recorded that from the perusal of re-statement of informant as well as other witness, *prima facie*, material is available to take cognizance against the appellants under Sections 126(2), 115(2), 352 and 3(5) of BNS and Section 3(i)(r)(s) of SC/ST Act. The contentions of the learned Special Public Prosecutor for the State as well as learned counsel for the Informant are quite tenable and sustainable in the



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

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25-11-2025
Transmission Date	25-11-2025

