

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3516 of 2024

Arising Out of PS. Case No.-108 Year-2017 Thana- ALAMGANJ District- Patna

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1. Sunil Kumar @ Sunil Kumar Singh Son of Late Devendra Pd. Singh
Village- Railway Quarter Gulzarbag, Quarter No. 14, B Block, Ps-
Alamganj, Dist- Patna
 2. Sanjeev Kumar @ Sanjeev Kumar Yadav Son of Shri Dayanand Yadav
Village- Railway Quarter Gulzarbag, Quarter No. 14, B Block, Ps-
Alamganj, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Jagan Paswan Village- Nagina Nagar Kumhrar, Ps-
Agamkuan, Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For Respondent no.2	:	Mr. Madhumay Madhup, Adv.
		Mr. Nilabh Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 25-08-2025

Heard the parties.

2. This is an application for quashing the order dated 05.02.2024 passed by the Learned Exclusive Special Judge SC/ST Act, Patna in connection with Special (SC/ST) Case No. 221 of 2017 arising out of Alamganj P.S. Case No. 108 of 2017, whereby and whereunder the learned trial court has taken cognizance under Sections 341, 323, 504, 506/34 of the Indian Penal Code and 3(1) (r) of SC/ST Act, against the appellants.

3. As per prosecution case, the appellants are said to have assaulted and abused the informant by his caste name and the informant is said to have worked as Munshi under contractor



namely Ajit Bharti.

4. Learned counsel for the appellants submits that the cognizance is neither valid in the eyes of law on the basis of fact as it is same is based on merely suspicion, conjuncture and surmises. He further submits that the allegation of assaulting is not proved against the appellants and the prosecution story as narrated by the informant is on the basis of false prosecution story. In the light of aforesaid facts and circumstances of the case, no case is made out against the appellants under Section 3(1)(r) of S.C & S.T Act. All the allegations are ornamental in nature and the allegation of special act is added with a view to harass the appellants.

5. Learned counsel on behalf of the State as well as learned counsel for the informant has submitted that in the FIR itself there is specific allegation against the appellants and after collecting material, Investigating Officer, has submitted charge sheet under Sections under Sections 341, 323, 504, 506/34 of the Indian Penal Code and 3(1)(r) of SC/ST Act and court has taken cognizance under the same sections.

6. From the perusal of the record, it is crystal clear that there are specific allegations against the appellants. The investigating officer, after collecting material during the course of investigation, has submitted charge sheet under said section and court has also taken cognizance under the aforesaid section. After



going through the impugned order dated 05.02.2024 passed by the Learned Exclusive Special Judge SC/ST Act, Patna in connection with Special (SC/ST) Case No. 221 of 2017 arising out of Alamganj P.S. Case No. 108 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 appellants on the basis of accusation made in the F.I.R.

7. Considering the facts and circumstances of the case and also that a prima facie case has been found against the appellants 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 05.02.2024.

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

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.08.2025
Transmission Date	N/A

