

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3544 of 2024

Arising Out of PS. Case No.-69 Year-2022 Thana- CHORAUT District- Sitamarhi

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1. RAJEEV RANJAN @ RANJAN THAKUR @ RAJEEV RANJAN THAKUR S/O LATE RAM EKBAL THAKUR R/O VILLAGE AND P.O- BHANTABARI, P.S- CHOROUT, DISTT.- SITAMARHI (BIHAR).
 2. MENKA RANJAN @ RENU DEVI W/O RAJEEV RANJAN @ RANJAN THAKUR @ RAJEEV RANJAN THAKUR R/O VILLAGE AND P.O- BHANTABARI, P.S- CHOROUT, DISTT.- SITAMARHI (BIHAR).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GULAB MANJHI S/O CHHEDI MANJHI R/O VILLAGE AND P.O- BHATABARI, P.S- CHOROUT, DISTT.- SITAMARHI (BIHAR).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-01-2025 Heard the parties.

2. The present appeal has been preferred against the cognizance order dated 23.04.2024 passed by the learned Additional District & Sessions Judge Cum-Special Judge, Sitamarhi, in connection with Chorout Police Station Case No.69 of 2022 whereby cognizance has been taken against these appellants under Sections 341, 323, 504/34 of the Indian Penal Code 3 (2) (va) of and the Section 3(1) (r) (s) Scheduled Caste Scheduled Tribe (Prevention of Atrocity) Act, 1989.

3. As per the prosecution story, the informant alleged



that he went to the house of the accused and wanted to know why the land is not being transferred despite all the payments made. Infuriated, after taking caste name, the tea that was in front of the accused was thrown on his face whereafter he was not only assaulted, the accused also urinated on him. The locals came and saved him which followed the case.

4. It is the case of the appellants that the narration is different, another case was lodged by the appellants' side being Chorout P.S. Case No. 68 of 2022, the same being earlier one in which the informant are accused side. In that background, the cognizance order dated 23.04.2024 suffers infirmity and needs interference.

5. Learned State Counsel on the other hand submits that the case and the counter case clearly signifies that an occurrence took place, in that background, the Court concerned after the submission of the charge-sheet having *prima facie* satisfied, rightly took cognizance in the matter.

6. Having gone through the facts of the case, the materials on record and the order of the learned Court, this Court finds force in the submission of the learned APP, the fact that two cases have been lodged one after another by both sides signifies/confirms an occurrence.



7. The Police investigated the matter, charge-sheet submitted against the accused persons whereafter having prima facie satisfied, cognizance has been taken, it would be better that the appellants, in the aforesaid background face the trial.

8. No interference is required, the appeal stands dismissed.

(Rajiv Roy, J)

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