

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3711 of 2024

Arising Out of PS. Case No.-8 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Mahesh Prasad Rai @ Mahesh Prasad Son of Jai Nandan Prasad Rai R/O Vill.- Sngaila, P.S.- Motipur, Dist.- Muzaffarpur.
 2. Abhijeet @ Abhijeet Kumar Son of Mahesh Prasad Rai @ Mahesh Prasad R/O Vill.- Sngaila, P.S.- Motipur, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Sunita Devi Wife of Shankar Prasad R/O Vill.- Bhattha, P.S.- Danapur, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

12 07-08-2025 Heard the learned counsel for the appellants as well as
the learned Special PP for the State.

2. Being aggrieved by the order dated 14-05-2024 passed by the learned Exclusive Special Judge (SC/ST), Patna in Special SC/ST Case No. 57 of 2020, the present appeal has been filed. The learned Exclusive Special Judge, vide impugned order, took cognizance against the appellants for the offences under Sections 341, 323, 506 of the IPC and Section 3(2)(va) of the SC/ST Act.

3. The complainant, Sunita Devi, lodged a complaint on 13-09-2021, alleging therein that her son, Sumit Gaurav, was a



student of Kendriya Vidyalaya, in which the daughter of appellant no. 1, Mahesh Prasad Rai, was also a student of 10+2. The son of the complainant and the daughter of appellant no. 1 were friends and they developed love and affection. The complainant was a member of Scheduled caste and it was the reason that the appellants and their family members became infuriated. They threatened Sumit Gaurav to break his relation with daughter of appellant no. 1. They abused her son by calling his caste name. On 2-07-2019, the accused persons came to the house of the complainant and they abused her and her husband in filthy words by calling their caste names. They also made her utensils profane. The SHO did not lodge the case and he threatened to imprison the complainant and her family members. The accused persons tore the blouse of the complainant and they misbehaved with her daughter. They dashed her daughter on the ground, as a result of which, she suffered sprain injury in her feet.

4. The learned counsel for the appellants has submitted that the allegations in the complaint petition are false. His further submission is that the case was investigated by the police and the allegations were found to be false. The investigating authorities submitted final form against the appellants but the learned Special Judge, ignoring the final form, took cognizance. It has further been submitted that prior to lodging of the present case, appellant no. 1



had lodged Hawai Adda PS Case No. 171 of 2019 on 02-07-2019 against Sumit Gaurav (the son of the complainant). As a matter of fact, the complainant and the appellant were residing in a tenanted house of one Anand Mohan Tiwari. On 2-7-2019, his daughter did not return. Appellant no. 1 came to know from friends of his daughter that Sumit Gaurav prepared some video clips and on the basis thereof, he was sexually exploiting and blackmailing her. When the FIR was lodged by appellant no. 1 accusing son of the complainant, she filed the complaint in retaliation to that FIR, and to save themselves from the prosecution lodged by appellant no. 1. Learned counsel has further submitted that there is nothing on the record which shows that daughter of the complainant suffered any kind of injury, but subsequently a manufactured injury report was brought on the record.

5. On the other hand, the learned counsel for the complainant has submitted that the accused persons brutally assaulted the daughter of the complainant and she suffered injuries. He submitted that the injury report was subsequently brought on the record. His further submission is that the daughter of appellant no. 1 had love and affection with son of the complainant and it was the reason that the appellants intentionally humiliated and intimidated and also assaulted the family members of the complainant.



6. From perusal of the complaint petition, the statements of the inquiry witnesses and the S.A. of the complainant, it transpires that there is nothing on the record which shows that the daughter of the complainant suffered any kind of injury, whereas according to submissions of the learned counsel for the complainant, her daughter was medically treated. This fact falsifies the allegation. The case lodged by appellant no.1 against son of the complainant is prior to lodging of the present case. The investigating authorities did not find complicity of the appellants in the alleged occurrence. It appears that the present complaint has been filed in retaliation of the earlier case lodged by appellant no.1 against son of the complainant.

7. Considering the aforementioned facts and circumstances, the impugned order dated 14.05.2024 passed by the learned Exclusive Special Judge (SC/ST) Act, Patna in connection with Complaint Case No. 08(C)/2022 is set aside and accordingly, the appeal is allowed.

(Nawneet Kumar Pandey, J)

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