

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3696 of 2024

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Banka

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1. Sudhir Kr. Singh Son of Sri Kant Singh R/O Vill.- Bhewar, Sikaria, P.S. and Dist.- Jehanabad.
 2. Md. Salman Khan @ Salman Khan Son of Md. Usman R/O Vill.- Nagmatiya, P.S.- Karinganj, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Kumar Son of Nandak Paswan R/O Vill.- Kewra, P.S.- Dhanarua, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-02-2025 Heard Mr. Dhananjay Kumar Pandey, learned
counsel for the appellant and Mr. Binay Krishna, learned Spl.
P.P.

2. The present application has been preferred for quashing of order dated 5.8.22 passed by the Additional District & Sessions Judge-Ist, Banka, in G.R.No. 5/2019 arising out of Banka SC/ST P.S. Case No.3/19 registered for the offence under section 448, 504, 506, 34 of the Indian Penal Code and 3(i)(r)(s) SC/ST Act whereby and whereunder the learned Additional Sessions Judge Ist Banka has



pleased to reject the petition for discharge under Section-227 of the Cr.P.C. and ordered to the appellants to present physically for framing of charge on 24.09.2022.

3. As per the prosecution story, the informant alleged that he as also the accused persons were posted at Banka Jail and allegation is that the appellant no.2 used to take money for getting the Vakalatnama which was opposed by the informant, allegation is that the two accused took the caste name and further protested that when the money is being taken why the informant is opposing the same. This led to the FIR.

4. The Police investigated the matter and subsequently after the S.P., Banka found the case to be true, charge-sheet submitted which followed the cognizance.

5. The Court thereafter, vide an order dated 05.08.2022 came to the conclusion that there is sufficient materials to go ahead with the trial and accordingly directed them to appear for framing of the charge.

6. Aggrieved, the present petition.

7. The case of the appellants is/are that the allegation of taking caste name is in the home though the earlier protest on his complaint of taking bribe was made in the jail



campus and thus the SC/ST Act is not attracted. In that background, the Court concerned failed to look into the matter and has passed an order for framing of the charge.

8. Mr. Binay Krishna, learned Special P.P. on the other hand submits that the case has to be read in totality. Allegation is that the two accused persons (appellants herein) were involved in taking bribe for getting the Vakalatnama executed, it was protested by third employee (the informant) for which he was already being abused in the campus and later in the official residence which under no circumstance, can be said to be a private place. It is further submission that the S.P., Banka having found the case true, subsequently, charge-sheet submitted, cognizance taken and in that background, no interference required on the order 05.08.2022.

9. Having gone through the facts of the case and the materials on record beside submissions of the parties, in the opinion of this Court, the occurrence will have to be read in totality. Further, both the incidence took place in the jail campus which indeed is a public place. The second abuse was in extension of the earlier threatening that was made by the accused and as such the two cannot be bifurcated.

10. In that background, the Court concerned rightly



took cognizance in the matter and rejected the discharge petition
filed by the two appellants vide an order dated 05.08.2022.

11. The petition is bereft of merit, dismissed.

(Rajiv Roy, J)

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