

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3760 of 2024

Arising Out of PS. Case No.-253 Year-2016 Thana- SINGHESHWAR District- Madhepura

1. Suresh Verma S/o Late Lalit Prasad Verma R/O - Singheshwar, P.S - Singheshwar, Distt. - Madhepura
2. Mahesh Verma S/o Late Lalit Prasad Verma R/O - Singheshwar, P.S - Singheshwar, Distt. - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Narayan Rishideo S/o Late Jageshwar Rishideo R/o vill - Bhelwa, ward no. 01, P.S. - Singheshwar, Distt. - Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-02-2025 Heard Dr. Sanjay Kumar Singh, learned counsel for the appellant, Mr. Ranjay Kumar Singh representing the informant as also Mr. Sadanand Paswan, learned Spl.P.P.

2. The present appeal has been preferred for:

“quashing the order of cognizance dated 03.08.2023 passed by the 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Madhepura in S.C./S.T. Case No. 18/2023 arising out of Singheshwar P.S. Case No. 253/2016 dated 28.12.2016 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal



Code and under Sections 3(i)(r) S.C./S.T. Act. The consequent case is pending in the Court of learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T.), Madhepura.”

3. With the consent of the parties, the matter is being taken up for final hearing.

4. As per the prosecution story, the informant alleged that he is looking after the field of one Raju Raman Lal for the last one decade. On 25.12.2016, the appellant no. 1, Suresh Verma taking caste name, abused and asked him to leave the place or he will be killed. When this was protested by him as also his wife, the assault theory has been incorporated which resulted into injury to his wife. Both the appellant no. 2, Mahesh Verma and Nabin Ramani, another accused came there and threw the lady/wife of the informant on the ground, this followed the assault. As the neighbours assembled, threatening them of dire consequences, the accused left. This led to the FIR.

5. Subsequently, the Police after investigation though submitted charge-sheet against Nabin Ramani, against these two appellants final form was submitted. The Court therefore took up the matter and having satisfied that prima facie case is made



out against all the accused persons, took cognizance vide an order dated 03.08.2023.

6. Aggrieved the present appeal.

7. It is the case of the appellant that there is delay of two days in lodging of the FIR though the delay has been assigned as he had gone in connection with the treatment of his wife. Further, after investigation, the Police found nothing against the two appellants herein but differing from it, the cognizance has been taken which needs interference. He further submits that the SC/ST ingredient is/are missing and as such, the cognizance order and the said Act has to go and the partition suit is pending between the master of the informant and the appellants who are agnates.

8. The last submission is that in the case of **B. Venkateswaran & Ors. vs. P. Bakthavatchalam in Cr. Appeal No. 1555 of 2022**, the Hon'ble Apex Court observed as follows:

“Initiation of criminal proceedings for the offence under Sections 3(1)(v) and (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, therefore, is nothing but an abuse of process of law and Court.”

9. He submits that the case of the appellant is/are on



the same footing.

10. Learned Spl.P.P. as also learned counsel for the informant on the other hand submits that a bare perusal of the FIR would show that there are ingredients against all the accused persons and it starts with the abuse from the Suresh Verma against whom final form was submitted. The further submission is that the Police while submitting the final form has not recorded a single line as to why the two appellants have been exonerated of the charges. According to them, in that background, having gone through the FIR, the Court rightly took cognizance which needs no interference.

11. It is the further submission that so far as the order of the Hon'ble Apex Court in **B. Venkateswaran & Ors. (supra)** is concerned, the facts and circumstances of the said case and present case is entirely different. Here, there is no civil litigation between the informant and the accused persons. Though the agnates are fighting civil suit, that cannot be a ground to assault the employees of his adversary.

12. The further submission is that a bare perusal of the petition would show that multiple criminal cases are pending against these appellants and they are in the habit of taking up arms at the drop of the hat. They, as such, prays for dismissal of



the appeal.

13. Having gone through the facts of the case and the materials on record as also the submissions of the parties, prima facie, this Court is satisfied that the ingredients are there to take the matter to the trial so far as the two appellants are concerned. Admittedly, the final form nowhere records that why the Police chose to exonerate the two appellants of the charges made in the FIR.

14. The concerned Court in that background, rightly took cognizance in the matter against the two appellants beside Nabin Ramani. So far as the delay part is concerned, it has been clearly recorded in the FIR that the delay occurred due to treatment of his wife. Taking up of the caste name, the abuse was made and as such, the ingredients of SC/ST Act is clearly reflected. So far as the judgment as provided by learned counsel for the appellants is concerned, the learned Spl.P.P. and the learned counsel for the informant have rightly submitted that the informant has no civil dispute with the appellants herein.

15. Merely because the two agnates are fighting out the land dispute cases/partition suit/civil suit, that cannot be a ground to struck of the present case where the informant has alleged assault which ultimately resulted into injury to his wife



who was taken for treatment. The abuse by taking caste name is also there.

16. So far as the case of **B. Venkateswaran & Ors. (supra)** is concerned, as pointed out by the learned Spl.P.P., the facts of the said case was entirely different which led the Hon’ble Apex Court to observe as recorded. Here, there is clear allegation against the two appellants and the respondent no. 2 is not on litigating term, thus the said case is not applicable herein.

17. The Court in that background has only one option i.e. to take the matter to its logical conclusion by dismissing it.

18. The present appeal stands dismissed.

(Rajiv Roy, J)

Adnan/-

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