

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3209 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- TEGHRHA District- Begusarai

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Rita Devi W/o Sankar das Resident of Village - Bajalpura ward no.14, P.S. -
Teghra, District – Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Braj Bhusan Poddar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-11-2025

Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

2. The present appeal is directed for setting aside the order dated 12.06.2025 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Teghra P.S. Case No. 23 of 2024 registered under Sections, 341, 448, 323, 354(B), 506/34 of the Indian Penal Code and 3 (i) (s) of SC/ST Act whereby the concerned court accepted the final form submitted by the Investigating Officer.

3. As per prosecution case, the informant/appellant was sitting in her house and all the accused persons namely, Lakshman Mahto, Shivjee Mahto, Rambalak Mahto, Lalita Devi and Ram Sagar Mahto arrived at the house of the appellant and



thereafter Lalita Devi and Laxman Mahto started abusing the informant by calling her caste name. When the same was protested, accused Rambalak Mahto and Shivjee Mahto assaulted the informant by means of fists and slaps and accused Shivjee Mahto thrashed the appellant by holding her hair. It is alleged that in the said scuffle, veil of the informant slipped from her body causing her modesty to be lost. On hearing the commotion, informant's daughter came and started saving her, then, informant and her daughter went inside the house and after abusing all the accused persons went away towards their houses. The reason behind the occurrence is that accused persons drain the dirty water from the open sewer adjacent to the wall of informant's house and when the same was protested, accused persons came concertedly for assaulting and threatening.

4. On the basis of written report of appellant/informant, Teghra P.S. Case No. 23 of 2024 was registered under Sections, 341, 448, 323, 354(B), 506/34 of the Indian Penal Code and 3 (i) (s) of SC/ST Act and after completion of investigation on all points, police submitted final form against all the accused persons showing the case untrue.

5. Learned counsel for the appellant/informant has submitted that the I.O. has not investigated the case fairly and submitted final form against all the accused persons. He further



submits that the appellant appeared on several dates before the concerned court for hearing on the final form but the concerned court has not heard the case and has accepted the final form in absence of the appellant. He further submits that appellant appeared in the trial court through advocate and challenged the final form. Learned counsel for the appellant submits that she has grievance that the concerned court has not considered the protest petition of the appellant nor did court proceed the case on the basis of protest petition as complaint case and the appellant is aggrieved thereby. In this way order dated 12.06.2025 passed by the concerned court is neither sustainable nor tenable in the eye of law and hence, the same is liable to be quashed.

6. Learned counsel for the State submits that order sheet dated 19.07.2024 indicates that notice has been issued upon the informant/appellant. The informant/appellant herself appeared before the concerned court as mentioned in para 6 and 7 of the present petition. He further submits that before accepting final form it is mandatory for learned trial court to issue notice to informant and in the present case, notice has been issued to the informant and informant appeared before the trial court as informant has filed petition with hazri through lawyer on 25.09.2024. He further submits that while accepting final form on 12.06.2025, the court has recorded the finding that investigating



officer has submitted final form and during course of investigation statements of the witnesses were recorded wherein witnesses found the occurrence untrue. He further submits that order sheet dated 19.07.2024 clearly indicates that notice was issued to the informant and informant appeared on 25.09.2024. He further submits that informant appeared on 18.10.2024 and other dates also and on 12.06.2025, the court has accepted the final form while recording the reason for acceptance of the final form. In that situation, the informant cannot take plea that she was absent and mandatory requirement has not been fulfilled. The court has discretion either to accept or to proceed with the protest petition. In the present case, the court has recorded the reason as statements of witnesses found the occurrence untrue and the court has accepted the final form submitted by the investigating officer. In this way, the contention of the learned counsel for the informant/appellant is neither tenable nor sustainable in the light of the facts and circumstances of the case.

7. From the order dated 12.06.2025, it is found that after completion of investigation, final form has been submitted by the Investigating Officer finding the occurrence untrue on the basis of statements of witnesses recorded during course of investigation. The impugned order also reveals that notice has been issued upon the informant and concerned court accepted the final form



submitted by the Investigating Officer and the contention of the learned counsel for the State is quite tenable or sustainable in the light of the aforesaid facts and circumstances of the case.

8. Considering the facts and circumstances of the case, in the present case the mandatory requirement for issuance of notice to the informant has been followed. Hence, order dated 12.06.2025 passed by the concerned court is justified and legal and there is no reason to differ from the finding of the concerned court.

9. Accordingly, the present appeal stands dismissed.

(Alok Kumar Pandey, J)

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AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	10.11.2025
Transmission Date	N/A

