

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3204 of 2025

Arising Out of PS. Case No.-68 Year-2023 Thana- KALYANPUR District- East Champaran

1. Sanjeet Singh @ Sanjeet Kumar Singh S/o Harendra Singh @ Tuntun Singh R/o vill - Bahuara Hariwansh, P.S. - Kalyanpur, Distt.- East Champaran
2. Harendra Singh @ Tuntun Singh S/o Late Ram Sawaroop Singh R/o vill - Bahuara Hariwansh, P.S. - Kalyanpur, Distt.- East Champaran

... .. Appellants

Versus

1. The State of Bihar
2. Shushila Devi W/o Nagendra Das R/o vill - Math Govardhan, P.s.- Kalyanpur, Distt.- East Champaran

... .. Respondents

Appearance :

For the Appellant/s : Mr. Praveen Prabhakar, Adv.

For the State : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 10-11-2025

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present appeal is directed against the order dated 26.05.2025 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with SC/ST Trial No. 107 of 2024, (CIS No. 80 of 2024) arising out of Kalyanpur P.S. Case No. 68 of 2023, registered under Sections 279, 341, 342, 323, 324, 307, 354(B), 504, 506, 34 of the IPC and Section



3(i)(r)(s) of SC/ST (POA) Act whereby the concerned court has rejected the application filed by the appellants under Section 227 of the Cr.P.C.

3. The prosecution story, in brief, is that respondent no. 2/ informant submitted written application before the SHO of Kalyanpur Police Station, East Champaran stating therein that on 27.02.2023 at about 8:00 PM, appellants and other ran over two she-goats with Apache motorcycle and when same was protested, informant was abused by the accused persons. It is further alleged that on being forbidden to abuse and to take out key of the motorcycle, the accused persons thrashed the informant on the ground by catching hold of her hair lock. It is further alleged that the accused persons by taking the caste name of the informant snatched Mangalsutra and earrings from the informant and also tore her clothes. When the informant's son Ankit Kumar protested against the said action of the accused persons, appellant no. 1 assaulted on the head of informant's son by means of iron rod as a result of which he sustained head injury and fell down on the ground. Thereafter, informant's son was assaulted indiscriminately by means of iron rod and danda on other parts of the body. The informant's husband was also badly assaulted. The informant's son was sent to Kalyanpur



Government Hospital where he was referred to Sadar Hospital for better treatment.

4. On the basis of written application of informant, Kalyanpur P.S. Case No. 68 of 2023 has been registered under Sections 279, 341, 342, 323, 324, 307, 354(B), 504, 506, 34 of the IPC and Section 3(i)(r)(s) of SC/ST (POA) Act.

5. Learned counsel for the appellants has submitted that there is delay of about two days in lodging the FIR as the alleged occurrence took place on 27.02.2023 and FIR was lodged on 01.03.2023 and no plausible explanation has been given regarding the said delay which questions the authenticity of the prosecution story. It is further submitted that there is case and counter case between the parties on the same date of occurrence and hence, free fighting cannot be ignored. He further submits that occurrence, as alleged in the FIR, has not taken place in public view and hence, no case under SC/ST Act is made out against the appellants. He further submits that the concerned court while dismissing discharge petition of appellants has not taken into account the material available on record and reached to the wrong conclusion. He further submits that two cases are lodged for the same date of occurrence and the concerned court has not taken into account other version and



dismissed the discharge petition in a mechanical manner and hence, same is fit to be quashed.

6. Learned Special Public Prosecutor for the State submitted that from perusal of the FIR itself, it is evident that appellants and other have abused the informant and took her caste name and also thrashed her on the ground. He further submits that the accused persons snatched Mangalsutra and earrings from the informant and also tore her clothes. Appellant no. 1 assaulted on the head of informant's son/ Ankit Kumar by means of iron rod as a result of which he sustained head injury and fell down on the ground. Thereafter, informant's son was assaulted indiscriminately by means of iron rod and danda on other parts of the body. The informant's husband was also badly assaulted. He further submits that the investigating officer after making investigation on all points submitted charge sheet under Sections 147, 148, 149, 341, 342, 323, 324, 307, 354(B), 504, 506, 302, 34 of the IPC and Sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act against the accused persons, as mentioned in para-8 of the impugned order and accordingly cognizance has been taken under Sections 147, 148, 149, 341, 342, 324, 307, 354(B), 504, 506, 302, 34 of the IPC and Sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act. He further submits that



statements of witnesses recorded under Section 161 of Cr.P.C. appear to indicate involvement of the appellants alongwith other accused in the alleged occurrence and para 67 of the case diary indicates inquest report of deceased Ankit Kumar and postmortem report indicates the cause of death as head injury. The concerned court has widely discussed in para 7 and 8 of the impugned order where it has been mentioned how discharge petition has been dismissed and on the aforesaid facts and circumstances of the case, there is no reason to interfere with the order passed by the concerned court on 26.05.2025.

7. After hearing the arguments of both parties and perusing the material available on record, it is clear that there is specific allegation that appellant no. 1 assaulted on the head of informant's son by means of iron rod as a result of which he sustained head injury. The appellants and other have abused the informant and took her caste name and also thrashed her on the ground. The accused persons including the appellants snatched Mangalsutra and earrings from the informant and also tore her clothes. From perusal of the FIR itself, it is evident that appellants and other were present on the place of occurrence and hence, it cannot be said that alleged occurrence was not taken place in public view. The Investigating Officer after completion



of investigation on all points submitted charge sheet under Sections 147, 148, 149, 341, 342, 323, 324, 307, 354(B), 504, 506, 302, 34 of the IPC and Sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act against the accused persons and accordingly cognizance has been taken under Sections 147, 148, 149, 341, 342, 324, 307, 354(B), 504, 506, 302, 34 of the IPC and Sections 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act. Prudently and pragmatically, the court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused. As per the settled position of law, on the consideration of charge, the court has to see whether there is sufficient ground to proceed against the accused or not. At this stage, the court is not expected to go deep into the probative value of the material on record, which has already been discussed by the concerned court in para-7 of the impugned order dated 26.05.2025. The contention of learned Special Public Prosecutor for the State is quite tenable and sustainable in the light of aforesaid facts and circumstances of the case.

8. In the light of the discussions made above, I find no reason to differ from the findings recorded by the concerned court.

9. Accordingly, the present appeal stands dismissed



at the admission stage itself.

10. However, the appellants may raise all the points, which have been raised before this court, at appropriate stage.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	AFR
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