

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3312 of 2025**

Arising Out of PS. Case No.-126 Year-2021 Thana- ARER District- Madhubani

Sanjiv Kumar Pandey @ Sanjiv Pandey S/O Chandesar Pandey @
Chandeshwar Pandey R/o Vill.- Arer Bichkhana Ward No.03, P.S.- Arer,
District - Madhubani

... .. Appellant

Versus

1. The State of Bihar
2. Premkala Devi W/O Kebal Paswan R/o Vill.- Bichkhana, P.S.- Arer, District
- Madhubani

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Jha, Adv.
For the State	:	Mr.Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 24-11-2025

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

2. The present appeal is directed against the order dated 07.05.2025 passed by learned District and Additional Sessions Judge-1-cum-Special Judge, Madhubani in connection with Arer P.S. Case No. 126 of 2021, G.R. No. 170 of 2021 registered under Sections 341, 323, 324, 325, 379, 354, 504, 34 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act whereby the concerned court has rejected the application filed by the appellant under Section 227 of the Cr.P.C.

3. The prosecution story, in brief, is that respondent



no. 2/ informant gave her fardbeyan stating therein that on 01.12.2021 at 8:15 AM, informant was returning to her house after getting the wheat grinded and when she came at the door of co-accused Chande Pandey, said co-accused Chandey Pandey started abusing the informant by taking her caste name and when same was protested, appellant came with Tengari in his hand and started abusing the informant by taking her caste name and also assaulted upon the head of informant by means of Tengari due to which informant sustained injury. It is further alleged that co-accused Luv Pandey pulled her saree due to which informant became undressed. It is further alleged that co-accused Luv Pandey muffled saree around the neck of informant and tightened it due to which she started suffocating. Informant made hulla upon which nearby people and informant's brother-in-law (dewar) came there, meanwhile all the accused persons assaulted the informant by means of fists and legs and thrashed her on the ground and Rs. 5,000/- was also snatched from the informant. The informant was sent to hospital for treatment.

4. On the basis of fardbeyan of informant, Arer P.S. Case No. 126 of 2021 has been registered under Sections 341, 323, 324, 325, 379, 354, 504, 34 of the IPC and Section



3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act.

5. Learned counsel for the appellant has submitted that appellant is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. 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 appellant. He further submits that the Investigating Officer after completion of investigation has given clean chit to co-accused Chande Pandey and Lab Pandey whereas charge sheet has been submitted against the appellant under Sections 341, 323, 324, 504/34 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act. He further submits that injured sustained simple injury. He further submits that the concerned court has not taken into account the material available on record and reached to the wrong conclusion 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 appellant abused the informant by taking her caste name and also assaulted upon the head of informant by means of Tengari due to which informant sustained injury. He further submits that



the accusation, as alleged in the FIR, clearly reflects that occurrence took place in public gaze and hence, contention of learned counsel for the appellant is neither tenable nor sustainable in the light of the accusation made in the FIR. He further submits that the investigating officer after making investigation on all points submitted charge sheet against the appellant under Sections 341, 323, 324, 504/34 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act and accordingly, cognizance has been taken under the said sections. He further submits that the concerned court while passing order on 07.05.2025 has discussed para-2 (restatement of informant) as well as para 04, 07, 08, 21, 22, 47 and 43 of the case diary in which witnesses have supported the occurrence 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 07.05.2025.

7. After hearing the arguments of both parties and perusing the material available on record, it is clear that appellant abused the informant by taking her caste name and also assaulted upon the head of informant by means of Tengari due to which informant sustained injury. From perusal of the FIR itself, it is evident that appellant and others 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 341, 323, 324, 504/34 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act against the appellant and accordingly, cognizance has been taken under the said sections. The concerned court while passing order on 07.05.2025 has discussed para-2 (restatement of informant) as well as para 04, 07, 08, 21, 22, 47 and 43 of the case diary in which prosecution witnesses have supported the occurrence. 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. 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 and there is no reason to interfere with the order passed by the concerned court on 07.05.2025.



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.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	27.11.2025
Transmission Date	27.11.2025

