

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4002 of 2024

Arising Out of PS. Case No.-21 Year-2013 Thana- KOTWALI District- Patna

Bir Bahadur Singh @ Bir Bahadur Yadav Son of Late Baijnath Yadav
Resident of 91/4 I.A.S. Colony, Kidwaipuri, Police Station- Kotwali, District-
Patna. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-01-2025 Heard the parties.

2. The present appeal has been preferred for quashing of the order dated 20.06.2024 passed by the learned Exclusive Special Judge (SC/ST POA) Act, Patna Civil Court, Patna Sadar in Special (SC/ST) Case No. 146 of 2013 arising out of the Kotwali P.S. Case No. 21 of 2013 for the offence under sections 341, 323, 504/34 of the Indian Penal Code and 3(X) of the SC/ST Act whereby the discharge petition has been rejected filed under section 227 of the Code of Criminal Procedure.

3. As per the prosecution story, the informant alleged that in front of his house, four wheeler of the appellant was parked. Upon objection, he was abused by caste name and the accused persons including this appellant assaulted him. He went to the Kotwali Police Station, Patna and lodged the FIR.

4. Learned counsel for the appellant submits that exactly on this date (13.01.2012), a case was lodged against the



appellant and to avenge, the present case. It is his further submission that this is due to the previous enmity and only to lower their dignity before the society, the case.

5. Learned APP, Mrs. Anita Kumari Singh opposes the prayer submitting that the matter is of the year 2013, only because the date of the informant's case vis-a-vis the appellant's case has the same date and month is mere coincidence and that cannot be a ground to quash the well penned order of the Court. It is her further submission that in that background, the Court rightly rejected the discharge petition.

6. Having taken note of the fact and the submission of the parties, this Court does not find any error in the order. The allegation is there against the appellant, cognizance was taken in the matter in the year 2013. In that background, the Court rightly held that sufficient materials are available to take the matter to the Trial stage while rejecting the discharge petition.

7. No relief can be extended. The petition stands dismissed.

(Rajiv Roy, J)

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