

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3335 of 2025

Arising Out of PS. Case No.-245 Year-2021 Thana- BISFI District- Madhubani

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1. Jayveer Kamat S/O Late Prabhu Kamat R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani
 2. Rita Devi W/O Kusumlal Kamat R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani
 3. Laldai Devi W/O Krishna Kamat R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani
 4. Ugan Kumar S/O Pulkit Kamat R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani
 5. Panchlal Kamat S/O Late Ratan Kamat R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Rama Mochi S/O late Moje Muchi R/O Village- Mokadampur, P.S.- Patauna (O.P.), District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 11-11-2025

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

2. The present appeal is directed against the order dated 28.06.2025 passed by learned Additional Sessions Judge Ist cum Special Judge, Madhubani in connection with G.R. No. 136 of 2021, H.A.A. Case No. 02 of 2022 arising out of Bisfi (Patauna) P.S. Case No. 245 of 2021 registered under Sections 147, 148, 341, 342, 323, 325, 307, 332, 333, 353, 384, 385, 386,



354(B), 452, 405 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST Act whereby and whereunder the concerned court has rejected the discharge petition filed by the appellants.

3. The prosecution story, in brief, is that informant and other reached at village Mokadampur for search of accused Biru Kumar who was accused in Patauna P.S. Case No. 243 of 2021. On the day of alleged occurrence, informant was at house of accused Biru Kumar and for the purpose of interrogation accused Biru Kumar was made to sit in jeep. Meanwhile, 16 accused persons including the appellants and 20-25 unknown male and female surrounded the police vehicle and forcibly dragged accused Biru Kumar out of the police jeep. It is alleged that all the accused persons including the accused Biru Kumar dragged the informant and other police officials out of the police jeep and subjected them to confinement and while abusing the informant and other police officials, all the accused persons assaulted them. All the accused persons exhorted to set the police jeep on fire. It is further alleged that co-accused Ravi Kumar took signature of police officials on the plain paper. It is alleged that one of the accused person snatched the mobile phones of all police officials. It is further alleged that after taking signature of police party on plain paper, informant and



police officials were released from the confinement. It is alleged that when the informant was going to his duty accused Biru Kumar and others came and surrounded the informant and while abusing him, accused Biru Kumar and others assaulted the informant by means of fists and slaps. Thereafter, when the informant entered into his house to save himself, all the accused persons dragged him out from his house. When the informant's wife and his children came to rescue the informant, all accused persons abused and assaulted the informant's wife and his children. Thereafter, all the accused persons abused the informant by calling his caste name and when the same was protested by the informant, all the accused persons dragged the informant out from his house and assaulted him. It is further alleged that co-accused Ravi Kumar forcibly taken signature on said plain paper on which the signature of police officer was taken. It is further alleged that due to assault informant and his family member received injury.

4. On the basis of written application of informant, Patauna P.S. Case No. 245 of 2021 has been registered under Sections 147, 148, 341, 342, 323, 325, 307, 332, 333, 353, 384, 385, 386, 354(B), 452, 405 of the IPC and Section 3(i)(r)(s), 3(2)(va) of SC/ST Act.



5. Learned counsel for the appellants has submitted that appellants are quite innocent and has committed no offence as alleged in the FIR. He further submits that the allegation are general and omnibus in nature. He further submits that the issue of apprehension of accused Biru Kumar in Patauna P.S. Case No. 243 of 2021 led to take birth of the said occurrence. Appellants have falsely been implicated in the present case because they have enmity with the local chaukidar who is the informant of the case and appellants have nothing to do with the alleged occurrence. In the light of the facts and circumstances of the case, concerned court has not taken into account the material available on record and dismissed the discharge petition which is not on the basis of material available on record. He further submits that the alleged occurrence has not taken in public view.

6. Learned Special Public Prosecutor for the State submitted that 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 had not taken place in public view. He further submits that from initial version of informant, it is crystal clear that all accused persons including the appellants have participated in the alleged occurrence. He further submits that informant is local chaukidar who is resident



of the said locality. Learned counsel for the State has particularly pointed out the name of the appellants that how the informant has been abused the informant by denoting his caste name and the same is evident from the FIR itself. He further submits that the very motive behind the occurrence is quite evident from the FIR. He further submits that the concerned court has recorded that the chargesheet has been submitted against the appellants and cognizance has been taken against the appellants and others under Sections 147, 148, 149, 341, 342, 323, 452, 325, 307, 353, 420, 384, 385, 386, 504, 506 of IPC and Section 3(i)(r)(s) and 3(2)(va) of the SC/ST Act He further submits that and the concerned court has explained the reason for dismissing the discharge petition. The concerned court has recorded sound reasoning as material available on record is sufficient to frame charge against the appellants. In the light of the aforesaid facts and circumstances, reason recorded by learned trial court in not in any way derogation of statutory provisions. Hence, no interference is needed.

7. After hearing the arguments of both parties and perusing the material available on record, it is clear that appellants are FIR named accused and informant is local chaukidar and he has particularly asserted the name of each



appellants and in what manner they have participated in the alleged occurrence, they have abused the informant by denoting his caste name and appellants have assisted in releasing the accused from the clutches of the police. From the narration of prosecution story, it is quite evident how the appellants have participated in the alleged occurrence. 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 had not taken place in public view and the contention of the learned counsel for the State is quite tenable and sustainable in the light of the aforesaid facts and circumstances of the case. The Investigating Officer after completion of investigation on all points submitted charge sheet against the appellants and others and accordingly cognizance has been taken under Sections 147, 148, 149, 341, 342, 323, 452, 325, 307, 353, 420, 384, 385, 386, 504 and 506 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. In this way, the trial court has rightly rejected the discharge petition.

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)

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AFR/NAFR	AFR
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