

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4208 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- GADHPURA District- Begusarai

1. Ajay Singh @ Ajay Kumar Singh Son of Late Madhusudan Singh @ Late madhu Singh @ Late Madho Singh @ Madhu Singh Resident of Village- Dunhi, P.S -Gadhpura(Garhpura), District- Begusarai, present residents of Mohalla- Bagha, Ward No. 29, P.S.- Town, Distt.- Begusarai
2. Vikash Kumar @ Bikash Kumar Son of Ajay Singh @ Ajay Kumar Singh Resident of Village- Dunhi, P.S -Gadhpura(Garhpura), District- Begusarai, present residents of Mohalla- Bagha, Ward No. 29, P.S.- Town, Distt.- Begusarai
3. Nandu Mahto @ Nandan Mahto Son of Late Sungandhi Mahto Resident of Village- Dunhi, P.S -Gadhpura(Garhpura), District- Begusarai, present residents of Mohalla- Bagha, Ward No. 29, P.S.- Town, Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumiya Devi Wife of Shivnandan Ram Resident of Village- Dunhi, P.S -Gadhpura(Garhpura), District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2025 Heard Mr. Sandip Kumar Gautam, learned counsel

for the appellant and the State.

I.A. No. 01 of 2024:

2. The aforesaid Interlocutory Application has been preferred for condoning the delay of 145 days in filing the appeal.

3. Having gone through the paragraphs no. 3 and 4 and since there is no opposition from the other side, the said



Interlocutory Application stands allowed.

4. The delay of 145 days in filing of the appeal stands condoned.

Cr. Appeal (SJ) No. 4208 of 2024:

5. The present appeal has been preferred against the cognizance order dated 12.01.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Gadhpura (Garhpura) P.S.Case No. 56 of 2023 dated 19.05.2023 for the offence under sections 147, 148, 149, 341, 323, 307, 379, 427, 504, 506 of the Indian Penal Code and also under sections 3 (i) (r) (s), 3 (2) (v-a) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities Act) by which the learned Court took cognizance under sections 147, 148, 149, 341, 323, 307, 379, 427, 504, 506 of the Indian Penal Code and also under sections 3 (i) (r) (s), 3 (2) (v-a) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities Act). The aforesaid Gadhpura (Garhpura) P.S.Case No. 56 of 2023 dated 19.05.2023 is presently pending in the court of the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai.

6. As per the prosecution story, the lady an aged wife of Shivnandan Ram alleged that the accused persons including the appellants alongwith unknown persons armed variously



arrived at her house, attacked and assaulted the informant. While Ajay Singh, Vikash Kumar (appellant nos. 1 and 2 respectively) and Subodh Singh brutally assaulted the informant, as her husband came to her rescue, they assaulted him also by sharp cut weapon causing injury on his chest. As a result of the assault, he became unconscious. All through the episode, the accused persons were taking the caste name and further took away certain amount and the reason is land dispute. This led to the F.I.R.

7. Learned counsel for the appellants submit that there is land dispute, Title Suit pending between the parties and only to put pressure, the present case. In that background, the Court erred in taking cognizance in the matter.

8. Learned APP on the other hand has taken this Court to the FIR and then to the medical report of the injured person to show that an occurrence took place and the informant's side suffered injuries. He has also taken this Court to the cognizance order dated 12.01.2024 to show that the Court concerned after going through the case diary, the charge-sheet and the materials on record being *prima facie* satisfied having incorporated all the different paragraphs of the case diary in the order, took cognizance against the appellants which needs no interference.



9. Having gone through the facts of the case and the submissions of the parties as also on perusal of the record/order of the learned Trial Court, this Court is convinced that an occurrence took place, the informant's side suffered injuries, FIR lodged, post investigation and the chage-sheet, the Court concerned has rightly taken cognizance on 12.01.2024.

10. No interference is required, the petition stands dismissed.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

