

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4455 of 2023**

Arising Out of PS. Case No.-47 Year-2022 Thana- SC/ST District- Patna

GAURAV KUMAR S/O LAXMAN BHAGAT@LAXMAN  
YADAV@LAXMAN MALI R/O-WARD NO 4, SHEKHPURA, RAIDING  
ROAD, POST- VETERNARY COLLEGE, P S- HAWAI ADDA, DISTRICT-  
PATNA

... .. Appellant

Versus

1. The State of Bihar
2. SIMA DEVI W/O SANJAY KUMAR R/O-WARD NO 4, SHEKHPURA,  
RAIDING ROAD, POST- VETERNARY COLLEGE, P S- HAWAI ADDA,  
DISTRICT- PATNA

... .. Respondents

**Appearance :**

For the Appellant/s : Mr.Subhash Kumar, Adv.  
For the State : Mr.Sadanand Paswan, Special P.P.

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

**Date : 01-09-2025**

Heard both sides.

2. The present criminal appeal has been filed for quashing the SC/ST P.S. Case No. 47 of 2022 dated 30.10.2022 registered under Sections 341, 323, 504, 506, 354(B), 447, 448/34, 509 of the Indian Penal Code and Sections 3(i)(r)(s)/8(1)(w)(i), 3(2)(Va) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that respondent no. 2 (informant) gave a written application to SHO of SC/ST Police Station, Patna alleging therein that one Laxman Bhagat (father of the appellant) parked his scooty in front of house of



respondent no. 2 and when respondent no. 2 made protest, Laxman Bhagat abused her by using caste name and misbehaved with her and went away by saying that he will teach lesson within one hour. It is alleged that after one hour he along with his son (appellant) and several other persons came and began to assault the informant. It is further alleged that Laxman Bhagat assaulted the informant with iron rod due to which she sustained injury on her hand. It is further alleged that appellant assaulted the informant with bamboo. It is also alleged that informant was forced to drag and thereafter she was assaulted by other persons who came along with the appellant. On raising alarm, local people came there and informant could be saved.

4. On the basis of said written application, SC/ST P.S. Case No. 47 of 2022 dated 30.10.2022 was registered under Sections 341, 323, 504, 506, 354(B), 447, 448/34, 509 of the Indian Penal Code and Sections 3(i)(r)(s), 3(1)(w)(i), 3(2) (Va) of the SC/ST (POA) Act.

5. Learned counsel for the appellant has submitted that from perusal of the FIR, it is clear that there is no specific allegation against the appellant with regard to using abusive word by caste name. He further submits that appellant is innocent and has committed no offence as alleged in the F.I.R.



and he has been falsely implicated in this case just to save skin from Hawai Adda P.S. Case No. 279 of 2022. He further submits that present case is merely abuse of process of lodging of the FIR. He further submits that in the light of the aforesaid fact, no offence is made out under the provisions of SC/ST (POA) Act against the appellant.

6. Learned counsel for the State submitted that informant is a member of SC/ST community and she is aggrieved by using abusive word in the name of caste and she has been assaulted by the appellant and others. It has also been alleged in the FIR that informant was forced to drag and thereafter she was assaulted. Learned Special Public Prosecutor for the State further submitted that for the alleged occurrence, SC/ST P.S. Case No. 47 of 2022 dated 30.10.2022 has been lodged under Sections 341, 323, 504, 506, 354(B), 447, 448/34, 509 of the Indian Penal Code and Sections 3(i)(r)(s), 3(1)(w)(i), 3(2)(Va) of the SC/ST (POA) Act against the appellant and others and since the registration of the FIR, more than two years have already been elapsed and hence, there is no ground on the basis of which the present FIR may be quashed.

7. Having regard to the submissions made by learned counsel for the parties and on careful perusal of the



allegation made in the written statement submitted to the SHO, of SC/ST Police Station, Patna pursuant to which SC/ST P.S. Case No. 47 of 2022 was registered on 30.10.2022, I find that informant has categorically alleged that abusive word has been used by calling her caste name and she was assaulted by the appellant and others.

8. Considering the nature of the offence alleged in the FIR, the object of the SC/ST Act under which the FIR was instituted and the arguments advanced on behalf of the parties, I find that since the ingredients of the offences alleged are clearly attracted, the relief prayed for by the appellant cannot be granted.

9. In that view of the matter, since no case for interference with the FIR is made out, the present appeal is dismissed at the admission stage itself.

**(Alok Kumar Pandey, J)**

shahzad/-

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