

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4477 of 2024

In
CRIMINAL MISCELLANEOUS No.59248 of 2024

Arising Out of PS. Case No.-26 Year-2016 Thana- PAKRIDAYAL District- East Champaran

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1. Subodh Kumar Singh @ Subodh Singh son of Ram Naresh Singh R/o- Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran
 2. Sunil Kumar Singh Son of Ram Naresh Singh R/o- Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran
 3. Ramekbal Singh @ Pr. Ramekbal Singh Son of Ramlakhan singh R/o- W.No-12, Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran
 4. Nagendra Thakur Son of Girja Thakur R/o- Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran
 5. Harischandra Tiwari Son of Late Bibhishan Tiwari R/o- Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Madhuri Kumari Wife of Madan Paswan R/o- Rajepur Nawada Po- Nawad Ps- Pakridayal Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sriram Krishna, Advocate Ms. Rashmi Ranjan, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-02-2025 Learned counsel for the appellants undertakes to remove the defect(s) pointed out by the office.

2. Heard Sriram Krishna, learned counsel for the appellant, Mr. Dhiraj Kumar representing Mr. Rajesh Kumar and Ms. Rashmi Ranjan as also Mr. Sadanand Paswan, learned Spl. P.P.

3. *The present quashing Application has been*



preferred for quashing of the cognizance order(impugned herein) dated 19.09.2019 for the offences under sections 341, 323, 307, 354A and 353 of the Indian Penal Code, 1860 (hereinafter referred to as 'the Code) and section 3(1)(r) (s) of SC/ST Act in Pakridayal P.S. Case No. 26 of 2016 dated 09.03.2016 filed for the alleged offences under sections 341, 323, 307, 354A and 353 of the Code and section 3(1)(x) of SC/ST Act which is pending in the Court of 1st Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari.

4. With the consent of the parties, the appeal has been taken up for final hearing.

5. As per the prosecution story, the informant, a lady Principal of Primary School, Nawada alleged that on 09.03.2016, the accused persons named therein came and after abusing, took caste name, assaulted, outraged her modesty and alleged that despite being lowest strata of the society, she has become the Head of the institution which will not allowed. The school register was also damaged. This led to the FIR.



6. The police took up the matter and submitted final form on 13.06.2016 showing it to be untrue.

7. However, the Court concerned took up the matter and vide an order dated 19.03.2019 took cognizance against the accused persons.

8. Aggrieved, the present appeal.

9. It is the case of the appellants as presented by the Mr. Krishna is that earlier to the said occurrence, a FIR was lodged alleging assault by those close to the appellants. Only to put pressure, the present FIR.

10. He further submits that so far as the delay in coming to the court concerned, for the first time, the appellants came to know about the case and the cognizance order in the month of December, 2023 whereafter the present appeal. It has also been submitted that no specific caste name is/are there in the FIR nor any independent witness to support the said theory.

11. The informant has appeared as stated above and he has produced the injury report of the said Principal informant to show that she got swelling and tenderness in her shoulder joint and further had pain in the lower abdomen and the time has been recorded as within three hours. He submits that though the injury has been found to be simple in nature



which clearly shows that an occurrence took place. In that background, the Court concerned is fully justified in taking the order of cognizance.

12. The last submission is that the Police has not recorded any reason why final form was submitted.

13. Learned Spl. P.P. also echoes the same and submit that in the case earlier lodged by the appellant, the lady Principal was not in the category of accused and as such, the same cannot be recorded as counter version. He submits that the lady suffered injury which prima facie makes a case true. The cognizance order is of the year 2019 and belatedly, the present appeal without providing any document to show that they came to know about the case only in December, 2023.

14. It is submission of learned Spl. P.P. that School is a public place where she was abused/assaulted and the claim of the witnesses/independent witnesses has to be taken note of by the Trial Court where the appellants should appear instead of harping the said theory to get the appeal allowed which has been filed belatedly after five years.

15. Having gone through the facts of the case and the submissions of the parties as also the FIR/cognizance, prima facie, this Court is satisfied that the Court has rightly took



cognizance in the matter. The lady has made allegation, it is supported by the injury that she suffered, in that background, the Police without assigning any reason was not justified in submitting the final form.

16. Belatedly and as an afterthought, the appellant chose to file the appeal without providing any documentary proof to show that for four years, they did not know the cognizance order of the year 2019.

17. In that background, the appeal fails, accordingly, dismissed.

(Rajiv Roy, J)

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