

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4062 of 2022**

Arising Out of PS. Case No.-515 Year-2015 Thana- TURKAULIYA District- East
Champaran

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1. Sk. Sakari @ Md. Sakari Son Of Sk. Kalimullah R/O Village- Janerwa, P.S.-
Banjaria, District- East Champaran
 2. Sk. Makaran @ Md. Mukaran Son Of Sk. Kalimullah R/O Village- Janerwa,
P.S.- Banjaria, District- East Champaran
 3. Md. Gufran @ Babloo Son Of Sk. Kalimullah R/O Village- Janerwa, P.S.-
Banjaria, District- East Champaran
 4. Sheikh Kalimullah Son Of Late Sheikh Hafiz R/O Village- Janerwa, P.S.-
Banjaria, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dadan Paswan Late Muneshwar Paswan R/O Village-Janerwa, Thana-
Banjaria, District-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Saurabh Kumar, Advocate
For the Respondent/s	:	None
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 13-02-2025 Heard the parties.

2. The present appeal has been preferred:-

*“against the order dated 08.03.2022 passed by
special Judge SC/ST Act, Motihari in Tr. SC/ST
33/2021 arising out of Turkauliya /Banjaria P.S.
Case No.515/2015 registered u/s 323, 341, 504
and 379 IPC and Sections 3(1)(x) SC/ST Act and
is pending before Special Judge SC/ST Act,
Motihari.”*

3. With the consent of the parties, both the
Interlocutory Application as also the Appeal are taken up for the
final hearing.



4. As per the prosecution story, one Dadan Paswan lodged the F.I.R. in the year 2015 alleging that while he was sitting at his door, saw the accused persons were cutting the soil from his land. As he objected to it, abusing and taking his caste name, he was assaulted with '*lathi*' causing injuries. Allegation of taking away some amount and choking his neck by a towel is also there, this led to the lodging of the F.I.R.

5. Subsequently, the investigation took place and charge-sheet submitted on 15.09.2020 which followed cognizance order dated 18.01.2021 in the matter.

6. Later, the appellants preferred petition under section 227 of the Cr.P.C. for discharging them of the said allegation/case.

7. It was taken up by the learned court and vide an order dated 08.03.2022 giving out the reason why it is a fit case where trial needs to be held, the discharge petition was rejected.

8. Aggrieved, the present appeal.

9. It is the case of the appellant that the informant is in the habit of trespassing his land, there is a land dispute between the parties, he earlier also had preferred case against them and in that background, particularly when the mother has not supported the prosecution story, an interference is required



as the learned court failed to take into account the aforesaid facts.

10. There is no appearance on behalf of the State nor the informant is in position to assist the Court.

11. A perusal of the order would show that the court concerned has taken a look on the entire prosecution story and further has recorded in the case diary at paragraph nos. 5 to 9, the statements of the independent witnesses who have supported the prosecution story. He has also taken note of the fact that though the land dispute is there, that does not stall the process of criminal proceeding as the prima facie, a case has been made out which followed the cognizance against the appellant.

12. This Court is in conformity with the observation made by the learned Special Court, the matter is of the year 2015, a case has been made out, cognizance taken and the learned concerned court has taken note of all the facts before rejecting the discharge petition of the appellants.

13. No interference is required. As such, both the Appeal as also the Interlocutory Application stand dismissed.

(Rajiv Roy, J)

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