

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4653 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- ALOULI District- Khagaria

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1. Neha Kumari Daughter of Ramvilash Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 2. Narayan Singh Son of Late Nandan Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 3. Patho Singh Son of Late Jagdeo Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 4. Rekha Devi Wife of Patho Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 5. Sita Devi Wife of Ramvilash Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 6. Vishwajit Kumar Son of Ramvilash Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 7. Pakru Singh Son of Ramvilash Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 8. Chanki Singh Son of Ramvilash Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 9. Ravi Kumar Son of Narayan Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria
 10. Prem Kumar Son of Narayan Singh Resident of Village - Icharua, P.S. - Alauli, District - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Devi Wife of Chandra Singh @ Chandan Singh @ Chandran Singh Resident of Village - Icharua, P.O. - Amba, P.S. - Alauli, District - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate Mr. Ram Sumiran Rai, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-01-2025 Heard Mr. Ram Sumiran Rai, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. The present appeal has been preferred for quashing of



order dated 20.06.2024 passed by learned Additional Sessions Judge- 1st, Khagaria passed in Spl. SC/ST GR No. 88/2023 arising out of Alauli P.S. Case No. 371 of 2023 whereby and where under learned court has pleased to take cognizance against the appellants for the offence u/s. 447,341,323,504 & 506/34 of the I.P.C. and section 3(i)(r)(s), 3(2)(va) of SC/ST Act.

I.A. No. 01 of 2024

3. The present Interlocutory Application has been preferred for condonation of six days delay in filing the present appeal.

4. Having gone through the petition and after hearing the parties, the **I.A. No. 01 of 2024** is allowed and the delay stands condoned.

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5. As per the prosecution story, the informant alleged that when she was constructing the house on her land, the accused persons entered the house and started abusing and taking caste name. She further alleged that all the accused persons started assaulting her and outraged her modesty and threatened her to kill. Thereafter, she visited the Primary Health Centre, Alauli and then for better treatment to Sadar Hospital, Khagaria. This led to the F.I.R.

6. It is the submission of the learned counsel for the



appellant that the informant is in the habit of repeatedly lodging the FIR making same set of allegations and in that background, interference is required.

7. Learned Spl.P.P. on the other hand submits that a perusal of the FIR would show that how the lady has been assaulted and in that background, the learned Court has rightly taken cognizance, the appellants have opportunity to present their respective cases when the charges are framed. For the present, no case is made out.

8. Having gone through the facts of the case and the materials on record, prima facie case has made out against the accused persons and in that background, this Court does not deem it fit and proper to interfere with the cognizance order dated 20.06.2024 taking cognizance under Sections 447, 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2) (va) of the SC/ST Act.

9. The present petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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