

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4670 of 2023**

Arising Out of PS. Case No.-211 Year-2020 Thana- BIRAUL District- Darbhanga

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1. RANJEET SINGH SON OF BHAGESHWAR SINGH RESIDENT OF VILLAGE- NISHARA TOLE, P.S.- GHANSHYAMPUR, DISTRICT- DARBHANGA
 2. SANJEET SINGH @ SANJIV SINGH @ SANJEEV SINGH SON OF ANRUDH SINGH RESIDENT OF VILLAGE- NISHARA TOLE, P.S.- GHANSHYAMPUR, DISTRICT- DARBHANGA

... .. Appellants

Versus

1. The State of Bihar
2. SHIV SHANKAR PASWAN SON OF LATE UMA PASWAN RESIDENT OF VILLAGE- JAGDISHPUR KAHUA, P.S.- BIRAUL, DISTRICT- DARBHANGA.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Shailendra Kumar Jha, Adv.
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Girish Chandra Jha, Adv.

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

Date : 01-09-2025

Heard both sides.

2. The present appeal has been filed for quashing and setting aside the cognizance order dated 15.11.2021 passed in connection with Biraul P.S. Case No. 211 of 2020 corresponding to SC/ST G.R. No. 115 of 2020 for the offences under Sections 323, 341, 504, 34 of the IPC and Sections 3(i)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act.

3. The prosecution story, in brief, is that respondent no. 2 (informant) submitted his written statement before the



SHO of Biraul Police Station stating therein that in the first week of March, 2020, he worked for ten days in the house of appellant no. 1/ Ranjeet Singh and repaired *khapra ghar* at the rate of Rs. 400/- per day for which he paid Rs. 1,000/- and told that dues amount would be paid within one month. It is further alleged that due to lockdown he met the appellant for many times but he took time. It is further alleged that on 05.06.2020 informant demanded dues amount upon which appellant no. 1 began to abuse him. It is further alleged that both the appellants abused him by caste name and also assaulted him by leg, fists and slaps and thereafter, they fled away after giving threat to kill him within 15 days.

4. On the basis of said written statement, Biraul P.S. Case No. 211 of 2020 has been registered for the offences punishable under Sections 341, 323, 504, 34 of the IPC and Sections 3(1)(r)(s) of SC/ST (POA) Act.

5. Learned counsel for the appellants has submitted that there is no specific allegation with regard to using abusive word by caste name. He further submits that appellants are innocent and have committed no offence as alleged in the F.I.R. It is further submitted that informant is habitual in lodging false case against the others. In the light of the aforesaid facts, no



offence is made out against the appellants under the provisions of SC/ST (POA) Act. He further submits that prosecution case is false and concocted and the police in collusion with the informant falsely implicated the appellants and after investigation wrongly submitted charge sheet against the appellants and the learned court took cognizance against the appellants without application of judicial mind. In the light of aforesaid fact, order passed by the concerned court is not justified and legal and same is fit to be set aside.

6. Learned counsel for the State and learned counsel for the informant submitted that F.I.R. has been lodged under Sections 341, 323, 504, 34 of the IPC and Sections 3(1)(r)(s) of SC/ST (POA) Act and allegation has been made by the informant that he was abused by calling caste name and assaulted by the appellants. He further submits that charge-sheet has already been submitted in this case against the present appellants finding the accusation true. On the basis of the charge-sheet, order of cognizance has been passed.

7. From perusal of the order dated 15.11.2021 passed by 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Darbhanga in Biraul P.S. Case No. 211 of 2020 corresponding to SC/ST G.R. No. 115 of 2020, it appears



that same has been passed with due application of mind on the basis of charge-sheet and case diary, statement of witnesses recorded under Section 161 Cr.P.C. and after finding a *prima facie* case is made out against the appellants on the basis of accusation in the F.I.R.

8. Considering the facts and circumstances of the case and also that a *prima facie* case has been found against the appellants having regard to the accusations in the First Information Report and the material available on the record, this Court is not inclined to interfere with the impugned order dated 15.11.2021.

9. Accordingly, the present appeal is dismissed at the stage of admission itself.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.09.2025
Transmission Date	02.09.2025

