

Arising Out of PS. Case No.-566 Year-2021 Thana- PHULWARISHARIF District- Patna

- Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Ravindra Kumar, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, APP

for quashing/setting aside the order dated 22.01.2024 passed by the learned Exclusive Special Court SC/ST Act, Patna, Bihar, in connection with Special (SC/ST) Case No. 190 of 2021 arising out of Phulwarisharif (Janipur) P.S. Case No. 566 of 2021 whereby and where under the



learned Sub-ordinate Court has taken cognizance of the offences under section 341/323/324/325/504/506/34 of the Indian Penal Code and section 3(1)(r)(s)/3(2)(va) of SC & ST (Prevention of Atrocities) Act 1989 and issued summons.

3. With the consent of the parties, the appeal is being taken up for hearing.

4. As per the prosecution story, the informant alleged that on 15.07.2021, when he went to the pole to draw the electric line, the appellants assaulted, he ran towards his home when they came inside and started beating his wife. Again, when he went to save his wife, was hit on his hand with a 'gandasa' causing injury. They took caste name and wanted to leave the place. All this while, the appellant no. 3 was flashing a pistol in his hand. This led to the FIR.

5. Learned counsel for the appellant submits that for the said occurrence, another FIR came to be registered by the appellant's side vide Phulwarisharif (Janipur) P.S. Case No. 565 of 2021 which is earlier to the second FIR. It is his further submission that just to save their skin as the appellant side lodged the FIR, the present case. In that background, the police



wrongly submitted charge-sheet on 14.08.2022 and the learned Court erred in taking cognizance on 22.01.2024 forcing the appellants to move before this Court.

6. Learned Spl. P.P., on the other hand, opposes the prayer submitting the fact that the case and counter case is/are there, clearly shows that the occurrence has taken place. It is her further submission that the Court has to go through the FIR narration which clearly show that a case is made out against the appellants herein not only of assault but abusing the informant's side. In that background, the Police was fully justified in submitting the charge-sheet as also the learned Court rightly took cognizance in the matter. She, as such, submits that the same needs no interference.

7. Having heard the parties and perusing the record, as learned Spl. P.P. has rightly pointed out, an occurrence took place and both sides have come with their own version. Ultimately, it is for the Court to decide after deposition of the witnesses and perusal of the record. Prima facie, to this Court, it is only to see whether the cognizance taken by the Court concerned is justified or not. As rightly pointed out by the learned Spl. P.P., the contents in the FIR clearly shows that a case is made out. In that background, this Court is in full



conformity with the order taking cognizance by the Court on
22.01.2024.

8. No interference is required.

9. Both the **Cr. Appeal (SJ) No. 4652 of 2024** and
I.A. No. 1 of 2025 stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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