

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4681 of 2024

Arising Out of PS. Case No.-65 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Krishna Kumar @ Bhuila Son of Chandeshwar Rai @ Chandeshwar Narayan Singh Resident of Village- Chakjainab, P.S.- Bidupur, Distt.- Vaishali
 2. Chandeshwar Rai @ Chandeshwar Narayan Singh Son of Kamaldhari Rai Resident of Village- Chakjainab, P.S.- Bidupur, Distt.- Vaishali.
 3. Sheela Devi Wife of Chandeshwar Rai @ Chandeshwar Narayan Singh Resident of Village- Chakjainab, P.S.- Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Nisha Devi Wife of Veer Kumar Rai Resident of Village- Chakjainab, P.S.- Bidupur, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raja Ram Rai, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-02-2025 Learned counsel for the appellant(s) undertake(s) to
remove the defects pointed out by the office.

2. Heard learned counsel for the parties.

3. The present appeal has been preferred:-

“against the order of taken cognizance dated 31.05.2024 passed in Vaishali Complaint Case No. C1 65/2022 by learned Mr. Lalan Kumar Exclusive Special Judge (SC/ST Act) cum Additional District & Session Judge-Vaishali at Hajipur, whereby whereunder without taking in the consideration the material collected course of investigation. Which shows in sufficient material of prima facie case is made out under Section 149, 323, 324, 379, 380, 354(B), 307 of the IPC and 3(i)(x)/34 SC/ST



(POA) Act. ”

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

5. As per the prosecution story, the complainant alleged that while she was sleeping, the Appellant No. 1 came and misbehaved with her, upon alarm it is alleged that all the accused persons/appellants came, abused, took her caste name and also assaulted. She filed an application before the SC/ST Police Station but no step was taken. On 11.05.2022, again when the panchayati took place the assault theory was repeated whereafter left with no alternative, the complaint. Thereafter the court after examining the witnesses took cognizance on 31.05.2024.

6. Aggrieved, the present appeal.

7. It is the case of the appellants that no such occurrence took place in public place, it is out and out a false allegation in absence of any independent witness, which was ignored while taking cognizance by the Court and as such need interference.

8. Learned Special P.P. on the other hand opposes the prayer submitting that a perusal of the statement of the witnesses would show that the lady belongs to lowest strata of



the society and as it was an inter caste marriage, the same was not accepted by the family and in continuation of that the assault took place when she was pregnant and the assault was made on the stomach. He submits that the assault/abuse clearly shows that the court concerned has not erred in passing the order of taking cognizance.

9. This Court finds force in the submission of learned Special P.P. The Court concerned took the deposition of the witness on record which has also been brought on the records of the present appeal showing assault/abuse theory by the accused persons to a pregnant lady only because she belongs to a lower strata of the society. In that background, the cognizance order dated 31.05.2024 needs no interference.

10. Accordingly, the appeal stands dismissed.

(Rajiv Roy, J)

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