

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4836 of 2024

Arising Out of PS. Case No.-12 Year-2020 Thana- SC/ST District- Araria

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1. Surya Narayan Yadav S/O Late Anup Lal Yadav Resident of Village- Posdaha, Police Station- Narpatganj, Distt-Araria.
 2. Mithlesh Yadav @ Mithlesh Kumar S/O Surya Narayan Yadav Resident of Village- Posdaha, Police Station- Narpatganj, Distt-Araria.
 3. Pawan Yadav S/O Badri Yadav Resident of Village- Posdaha, Police Station- Narpatganj, Distt-Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusum Lal Sada S/O Late Sukhdeo Sada R/O Village- Posdaha Ward No. 07, P.S- Narpatganj, Distt.- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 29-01-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for the appellants and the State, Mr. Binay Krishna.

2. The present appeal has been preferred for setting aside the order dated 02.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Araria in Special (SC/ST) Case No. 21 of 2020 arising out of Araria SC/ST Police Station Case No. 12 of 2020, whereby and where under he has taken cognizance against all the accused persons including these appellants for the offence under sections-341, 323, 354, 504, 506/34 of the Indian Penal



Code and sections-3(2)(va) of the SC/ST Act.

3. As per the prosecution story, the informant alleged that while standing near a bridge, the accused persons due to previous enmity, armed variously came and after taking caste name, assaulted saying that if the cases are not withdrawn, they will be killed. This resulted into injuries and there is also allegation of taking away the ornaments. The injured were taken to Primary Health Center, Narpatganj. As the villagers tried to do panchayati, a delayed FIR was lodged.

4. The Police after investigation submitted charge-sheet whereafter cognizance has been taken by the concerned Court. So far as these three appellants are concerned, final form was submitted against these appellants also.

5. It is the case of the appellants that they were not present at the place of occurrence and only to implicate the number of accused, roles have been assigned. Once, the Police submitted final form, the Court concerned should have taken note of that instead of taking cognizance in the routine manner.

6. Learned APP on the other hand opposes the prayer submitting that the FIR clearly assigns role to the appellant no. 1, Surya Narayan Yadav that not only he gave the order which followed the assault, he also played an important role.



7. Further, it is the case of the State that in that background, the roles of the other two appellants cannot be checked for the present and the appellants will have sufficient time to prove innocence once the case moves out of cognizance stage.

8. Having heard the parties and perusing the record, prima facie case was made out against these appellants even by a bare perusal of the FIR. The concerned Court in that background has rightly taken cognizance and as pointed out by learned APP, the appellants will have sufficient opportunity to show their innocence at the later stage.

9. For the present, this Court is not inclined to interfere with the order dated 02.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Araria and the petition accordingly stands dismissed.

10. The interim protection granted on 14.11.2024 stands vacated.

(Rajiv Roy, J)

Adnan/-

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