

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4883 of 2024

Arising Out of PS. Case No.-223 Year-2022 Thana- PARSABAZAR District- Patna

1. Ramjee Singh (Advocate) @ Ramji Singh Son of Late Ramashish Singh R/O Vill.- Domanchak, P.S.- Gopalpur, Dist.- Patna, At Present R/O Boring Canal Road, Patna, P.S.- SK Puri, Dist.- Patna.
2. Ayush Kumar Son of Sri Ramjee Singh (Advocate) R/O Vill.- Domanchak, P.S.- Gopalpur, Dist.- Patna, At Present R/O Boring Canal Road, Patna, P.S.- SK Puri, Dist.- Patna.
3. Madan Mistri Son of Late Jadu Mistri R/O Vill.- Khaira Tali, P.S.- Parsa Bazar, Dist.- Patna.
4. Avinash Kumar @ Netaji @ Neta @ Abhishash Kumar Son of Sri Madan Mistry R/O Vill.- Khaira Tali, P.S.- Parsa Bazar, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Subhash Paswan Son of Late Basudeo Prasad R/O Vill.- Khaira Tali, P.S.- Parsa Bazar, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Vaishnavi Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 21-08-2025

Heard the parties.

2. The present appeal is directed against the order dated 16.02.2024 passed by learned Exclusive Special Judge (SC/ST), Patna in Sepcial (SC/ST) Case No. 400 of 2023 arising out of Parsa Bazar P.S. Case No. 223 of 2022 dated 25.05.2022 registered under sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the learned Exclusive Special Judge, SC/ST



Act, Patna has been pleased to take cognizance for the offence under sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(1)(r)(s), 3(2)(va) of the SC/ST(POA) Act against the appellants.

3. As per the prosecution case, the informant and others were participating in *matkor* ceremony and appellants and others are said to have made indecent behaviour and abused them and snatched the ornaments. It is further alleged that appellants and others used abusive word by caste name.

4. Learned counsel for the appellants has submitted that though the petitioner's land is adjacent to the place of Matkor ceremony and he has been identified as the owner of the land. It has been submitted that appellants have not done anything with regard to the said occurrence as alleged in the F.I.R. The appellants have not hurled any abusive word on the informant and others. Learned counsel has submitted that appellants have been falsely made accused in the F.I.R. in order to create pressure. It has been submitted that in the light of the aforesaid submissions, the order of cognizance is not justified and legal, and therefore, the said order requires interference.

5. Learned counsel for the State as well as the informant has submitted that in the F.I.R. lodged by the



informant (Opp. Party no. 2), informant has stated that ladies were participating in *Matkor* ceremony where appellants created nuisance and committed the alleged occurrence against the ladies who were participating in the *Matkor* ceremony. They were assaulted, abused and their ornaments snatched and they were abused by their caste name. Learned counsel has submitted that during the course of investigation sufficient materials were available upon which charge-sheet has been submitted under the relevant sections. The concerned court has recorded in its order that *prima facie* material is available to take cognizance under the aforesaid sections, and therefore, the order of cognizance need no interference.

6. From perusal of the order dated 16.02.2024 passed by learned Exclusive Special Judge (SC/ST), Patna in Sepcial (SC/ST) Case No. 400 of 2023 arising out of Parsa Bazar P.S. Case No. 223 of 2022, it appears that same has been passed with due application of mind on the basis of charge-sheet and case diary and after finding a *prima facie* case is made out against the appellants on the basis of accusation in the F.I.R.

7. 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 16.02.2024.

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

9. However, the appellants will be at liberty to raise their grievance, if any, at the appropriate stage.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	22.08.2025

