IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4847 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Banka

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1. Arvind Kumar @ Arvind Kumar Pandey S/O Musafir Pandey R/O Village- Bharkuria, P.O- Sakia Bazar Bharkuriya, P.S- Karakat, Distt.- Rohtas.
2. Ashwini Kumar Jha @ Ashwani Jha S/O Sureshwar Jha R/O Bholi Baba Ashram Road, P.O- Bounsi, P.S- Bausi, Distt.- Banka.

.. ... Appellant/s

Versus

1. The State of Bihar
2. Khusboo Bharti D/O Kamta Ram R/O Village- Gosaidih, P.S- Tandawa, Distt.- Aurangabad.

... ... Respondent/s

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Appearance :
For the Appellant/s : None
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 10-02-2025 No one appears on behalf of the appellant, though State is present.

2. The present appeal has been preferred:-

"for setting aside the order dated 09.01.2023 passed in SC/ST(GR) No 70 of 2022 arising out of Banka S.C./S.T. P.S. Case No.-23 of 2022, Trial No. 779/2023 by Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Banka by which cognizance under section 341, 323, 354 and 504 of the Indian Penal Code and section 3(i)(s) of the SC/ST P.O.A. Act has been taken against both the appellant.

3. Though the appellant has chosen to remain absent, learned Special PP has taken this Court to the allegation part to

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show that a case is definitely made out. The lady forester has alleged that taking her caste name, not only she was dragged, false allegation on her character was also made by the accused persons, in that background, the court concerned was fully justified in taking cognizance.

4. Though this Court finds force in the submission of learned Special PP, in view of the fact that the appellant has chosen not to present in this case, the same is dismissed for non-prosecution.

5. The interim protection granted on 23.01.2024 stands vacated.

6. Let the office communicate a copy of the order to the concerned court.

(Rajiv Roy, J)

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