

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5030 of 2024

Arising Out of PS. Case No.-6 Year-2020 Thana- SC/ST District- Darbhanga

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Mahesh Sah @ Mahesh Prasad Son of Late Gaya Prasad Sah Resident of
Shashupan, Kilaghat, Milan Chowk, P.O. - Lalbagh, P.S. - Laheriasarai,
District - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Parwati Devi Wife of Dharam Ram Resident of Bhatiyarisaray, P.S. - Nagar,
District - Darbhanga

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Dileep Kumar Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-01-2025 Heard the parties.

2. The present appeal has been preferred against the order dated 30.08.2024 passed by the learned Special Judge (P.O.A.Act) SC/ST Act, Darbhanga, in connection with SC/ST, GR No. 11/20 arising out of SC/ST P.S. Case No. 06/2020 whereby the discharge petition dated 09.03.2022 and 19.10.2023 filed under section 227 of the Cr.P.C. has been rejected.

3. As per the prosecution story, the informant alleged that she went to meet her lawyer at his home on 16.08.2019. As she reached there, the appellant who is the lawyer's father gave her place to sit after informing that the concerned lawyer is coming. Later, having found her alone, he tried to make some



advances and upon denial, took her caste name and also slapped. However, as the lawyer's son came, he left the place. She explained entire episode to the lawyer's son who requested her not to make it public.

4. However, this emboldened him and on 12.11.2019, as she was going to meet her brother, the appellant after abusing her with caste name threatened that if you file any complaint, shall be ruined. Though, the lawyer's son again tried to stop her, on 01.01.2024, when the appellant again came forward and abused her, she lodged the FIR.

5. It is the case of the appellant that actually he has dispute with his lawyer's son, has been thrown out of the house, with the intervention of the Court, he has been allotted two rooms inside. Further, for some time, he was living as a tenant in a different house and as such the entire case has been made out at the behest of the lawyer's son.

6. Learned APP on the other hand has taken this Court to the case to show that *prima facie* a case is made out. The Police investigated the matter, charge-sheet submitted whereafter, cognizance has been taken. The Court has given reason to disallow the discharge petition under section 227 of the Cr.P.C. and as such, no interference required.



7. Having gone through the facts of the case and the submissions of the parties, a query was made by the Court whether on the date, the girl has complained about the alleged behaviour of the appellant, he was residing in the home or was a tenant in the different house, learned counsel for the appellant failed to answer the same. The entire case of the appellant has been made out that his lawyer's son has thrown him out, he remained outside as a tenant, subsequently, due to intervention of the Court, he has been allotted two rooms. However, a simple query whether on the specific date mentioned by the informant, he was residing in the home or not, he has no answer.

8. The allegation is there, *prima facie* the same has been found to be true, cognizance taken and the discharge petition disallowed, this Court does not see any of the said step/action taken by the Police/Court worth interference.

9. The petition stands dismissed.

(Rajiv Roy, J)

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