

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5553 of 2023**

Arising Out of PS. Case No.-711 Year-2018 Thana- TURKAULIYA District- East Champaran

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DHANANJAY YADAV @ DHANANJAY RAI S/O CHHATU YADAV R/O  
VILLAGE- KAPRASANDI, P.S- TURKAULIYA, DISTT.- EAST  
CHAMPARAN.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SITA DEVI W/O JAY KUMAR PASWAN R/O VILLAGE-  
MOKHLISHPUR, P.S- BANJARIYA, DISTT.- EAST CHAMPARAN

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Abhishek Kumar  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL JUDGMENT**

**Date : 08-09-2025**

Heard the parties.

2. This is an application for quashing of the order dated 16.09.2023 passed in SC & ST Tr. No. 288 of 2019, arising out of Turkauliya (Banjariya) P.S. Case No. 711 of 2018, under Sections 302, 201, 34 of the Indian Penal Code (For brevity, IPS) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ( For brevity SC/ST Act) whereby and whereunder petition for discharge filed on behalf of the appellant has been rejected.

3. As per prosecution case, appellant along with other contacted the informant's husband on his mobile number 733701937 and asked him to come. It has been alleged by the informant that her husband, while leaving the house, told her that he had been called by



the appellant and other. It has been further alleged that informant learnt that her husband was seen going towards one middle school along with appellant and other. Later on 29.10.2018, the dead body of the husband of the informant was found near the bank of a river. It has been alleged that the appellant and other are said to have killed the husband of the informant and threw the dead body near the river.

4. Learned counsel on behalf of the appellant has submitted that there was nothing on record to connect the indulgence of the appellant with the alleged occurrence. It has been submitted that charge sheet has been submitted against the appellant without any cogent material and there is no material against the appellant for framing the charge under Section 302, 201/34 of the IPC and 3(2) (v) SC & ST (POA) Act. It has been further submitted that there is no ground for proceeding against the appellant for the alleged offence. It has been further submitted that there was not even any remote probability either by any direct, cogent and cleansing evidence that appellant is any way connected with the alleged occurrence. Learned counsel further submits that all the witnesses are hearsay witnesses.

5. Learned counsel on behalf of the State has submitted that there is clear cut accusation in the story of prosecution as alleged by the informant who has already stated that her husband was being called and the information regarding calling has been given to his wife who is none else but informant herself. After conducting investigation on all points, the investigation officer has submitted



charge sheet under sections 302, 201 and 34 of the IPC and 3(2) (v) of SC & ST (POA) Act and Court after applying judicial mind has taken the cognizance under the aforesaid sections. It has been submitted that paragraph 32 of the case diary has mentioned the contents of the postmortem report indicating the death of the deceased caused by shock and haemorrhage due to hard blunt substance on the head. Paragraph 26 and 29 as mentioned in impugned order clearly indicates the receiving of the phone call on the mobile number mentioned in the FIR from the mobile number belonging to one of the co-accused. The impugned order has widely covered that there are sufficient material to proceed against the appellant in the light of accusation made in the FIR and on the basis of charge sheet submitted by investigating officer as well as the settled position of law that court is not required to appreciate the evidence to conclude whether materials produced are sufficient or not for convicting the accused. It has been alleged that informant learnt that her husband was going towards one middle school along with appellant and other and later on 29.10.2018, noon, dead body of the informant's husband was found near the bank of river.

6. From perusal of the record, it is crystal clear that sufficient materials has been found by the concerned court to proceed. After going through impugned order dated 16.09.2023 passed by Learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with SC & ST Tr. No. 288 of 2019, CIS No.



686 of 2018, it is found 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 appellant on the basis of accusation made in the FIR.

7. Considering the facts and circumstances of the case and also that a prima facie case has been found against the appellant having regard to the accusations in the First Information Report and the materials available on record, this Court is not inclined to interfere with the impugned order dated 16.09.2023.

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

**(Alok Kumar Pandey, J)**

vashudha/-

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| AFR/NAFR          | NAFR       |
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