

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5591 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Ashish Kumar @ Ashish Singh S/O Late Arjun Singh Resident of village- Tawakala, PS- Parasi, Distt.- Arwal
 2. Binod Kumar @ Binod Chaudhary S/O Late Ramchandra Singh Resident of village- Jalalabad, PS- Rohtas, Distt.- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Manjhi S/O Sri Narad Manjhi Resident of village- Badheya Tola, Barauli, PS- Mirganj, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharmveer, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-01-2025 Heard the parties.

2. The present application has been preferred for quashing the Impugned order dt. 19.10.2024, passed by Learned Addl. District & Sessions Judge-XI-Cum- Special Judge, SC/ST Act, Gopalganj passed in Complaint Case No. 24 of 2024, wherein and whereas the learned Addl. District & Sessions Judge-XI- Cum- Spl. Judge, SC/ST Act, Gopalganj has taken cognizance of the offence U/S 323/341/342/385/ 504/34 of IPC & U/S 3(1)®(s) of the SC/ST Act against the Appellants.

3. As per the complaint, the complainant alleged that while he along with his father was going on a motorcycle, the



accused who are police personnel came on another motorcycle, dashed it against them and after naming them by caste, wanted them to come to the Police Station to check their CDR in Connection with Mirganj P.S. Case No. 32 of 2024. The allegation is that though nothing came out of the CDR, a demand of Rs. 30,000/- was made to release the complainant. Upon their inability to pay, they were abused/assaulted by the complainant and as a result whereof they became unconscious. When the complainant and the other witnesses sat in protest in the Police Station, they were thrown out of the said campus. He was forced to sign certain documents in the injured condition. In that background, the present complaint.

4. The Court took up the matter on 19.10.2024 and on the basis of the materials on record, the witnesses who examined and supported the complaint, took cognizance under Section 323/341/342/385/ 504/34 of IPC & U/S 3(1)&(s) of the SC/ST Act. It is this order which has been challenged.

5. Learned counsel for the appellants submit that they are police personnel, one of them presently is S.H.O. of Gopalpur Police Station, Gopalganj while the appellant no. 2 is serving as a Sub-Inspector with the Baikuntpur Police Station in the same District. No such occurrence took place, the accused



was picked up in Connection with Mirganj P.S. Case No. 32 of 2024, when the CDR report came negative, they were let off but with ulterior motive, the present case.

6. Learned Spl. PP, Mr. Binay Krishna, on the other hand has taken this Court to the complaint to show that firstly, in the market, the police personnel dashed the motorcycle, took caste name, forced them to come to the Police Station, when the CDR report came negative, demanded money. Further, they were assaulted and when sat in protest, thrown out of the campus. He as such, submits that the aforesaid facts clearly show a prima facie case against the two police personnels.

7. Having gone through the facts of the case and the materials on record as also the submissions of the parties, a perusal of the complaint would show that an occurrence has taken place. The appellant themselves submit that they were interrogated and when the CDR report was found negative, let off. In that background, the allegation of the complainant that in the garb of CDR report, they were tortured and they demanded money, cannot be ignored. The Court concerned, in that background, rightly took cognizance under Section 323/341/342/385/ 504/34 of IPC & U/S 3(1)®(s) of the SC/ST Act.



8. Having incorporated the entire facts of the case, this Court comes to only one conclusion, there is no merit in the petition, dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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