

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.202 of 2024

Arising Out of PS. Case No.-162 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

=====

Suresh Ram Son of Late Janak Ram R/o vill - Ram Jaypal College Campus
Uttar Purvi Kona, Dak Bangala Road, P.S. - Town, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Topas Kumar Basu Son of Not known R/ov ill - Daulatganj, P.S. - Bhagwan Bazar, Dist. - Saran
3. Bhola Mahto Son of Late Nemi Mahto R/o Ram Jaypal Campus, Chapra, Saran
4. Premchand Yadav Son of not known At present Examination Controller, Ram Jaypal College, Chapra, Saran
5. Shakil Ahmad Ata Son of not known At present Principal, Ram Jyapal, college, Chapra, Saran
6. Babloo Mahto Son of Lal Babu Mahto R/o Ram Jaypal College Campus, Chapra, Saran
7. Krishna Bhagat Son of Hari Bhagat R/o Mhamud Chawk, Dahiyawa, P.S. - Chapra town, Dist. - Saran

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Anant Kumar Bhaskar, Advocate
	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-01-2025 Heard Mr. Anant Kumar Bhaskar, learned counsel for

the appellant and Mr. Sadanand Paswan, learned Special PP for the

State.

2. The present appeal has been preferred for quashing

the order dated 02.09.2023 passed by the Learned Court of

Exclusive Special Judge SC/ST Saran at Chapra in Complaint

Case No.162/2022 by which learned court below has dismissed the

complaint petition Under Section 203 of the Cr.P.C.



I.A. No. 01 of 2024

3. The Interlocutory Application has been preferred for condoning the delay of 20 days in filing the appeal.

4. Though, learned Special PP opposes the prayer submit that for the ends of justice, the same can be allowed.

5. The I.A. No. 01 of 2024 is allowed. The delay of 20 days in filing the appeal is condoned.

Cr. Appeal No. 202 of 2024

6. The appellant who was complainant claims himself to be an employee of Ram Jaypal College, Chapra, Saran, being appointed on contractual basis. However, having not found his work to be satisfactory, he was removed on 21.05.2009. The allegation is that since no step was taken for the regularization of his service, he along with wife approached the respondent no.2, Principal of the College but was abused and his caste name was taken and was further threatened that his services shall be terminated.

7. On 16.12.2008, he sought information under Right to Information Act and it is alleged that on 07.03.2009, the accused persons on the instruction of respondent no.2, (the Principal), injured him seriously, was taken to the Sadar Hospital, Chapra and later to the Patna Medical College and Hospital, Patna.

8. On 15.05.2009 when the appellant approached the



respondent no.2 for salary, he was again abused and his caste name taken and on his behest, his employees took the cash and other ornament. His hut was also put on fire. Though F.I.R. was registered but no action was taken.

9. The allegation is that in the year 2022, as he returned from the market and entered the campus, saw the Police coming along with accused, Bhola Mahto and Fulmati Devi, who called and abused him and threatened him to implicate in case if he pursues his case.

10. Later after the Police left the place Bhola Mahto and Fulmati Devi along with son Bablu Mahto came armed variously and threatened to withdraw the case or to face the consequence. This followed the complaint.

11. The Special Court SC/ST Saran at Chapra took up the matter (Case No. 162 of 2022) and vide an order dated 02.09.2023 held that for the incident relating to the year 2008-09, a complaint has been filed in the year 2022. The fact of the case is that the appellant despite having been removed, in the year 2009 itself is still stationed in the college campus. The daughter of the complainant also in her deposition stated that the main issue is as to whether her father was a regular employee or contractual.

12. The Court having found that in an incident of the year 2008 and 2009, filing of complaint against the Principal (past



and present) as also employees and Examination Controller in the year 2022 is nothing but an abuse of the process of law. In that background, the same was dismissed under section 203 of the Cr. P.C.

13. Learned counsel for the appellant submits that the learned court failed to take into account the fact that twice the Principal/staffs of the college assaulted him in the presence of his wife and also took caste name. However, upon query, why he took so long period to file the complaint relating to the incident 2008, there is no such answer. Further, on a query as to whether he is still stationed in the campus of Ram Jaypal College, Chapra, Saran, despite his contractual service came to an end in the year 2009, the answer is in affirmative.

14. Learned Special PP, Mr. Sadanand Paswan submits that this petition is nothing but an extension of the abuse of process of law which the petitioner undertook by filing the complaint against the past and present Principal beside the other employees of the college. The fact remains that due to his conduct, within a year, he was removed from the contractual job. Despite that, he has chosen not to leave the campus and in furtherance of that he keeps on targeting the officials to prohibit them from kicking him out of the College.

15. So far as his continuance in the College is



concerned, it is for the authorities of the college to take appropriate steps in accordance with law as if the contention that he has been removed from the contractual job in the year 2009 itself, his continuance in the college campus in the opinion of the Court is certainly illegal. How and under what circumstances the authorities have not still taken the legal remedy, this Court wonders.

16. So far as the case is concerned, this Court does not deem it fit and proper to interfere with the reasoned passed by the learned Exclusive Special Judge SC/ST, Saran at Chapra on 02.09.2023.

17. Learned Special PP submits that for abusing the process of law and continuing it by filing the present appeal, some cost may be imposed upon the appellant.

18. The submission seems to be justified. While dismissing the petition, cost of Rs.2,000/- is imposed upon the appellant to be deposited to the District Legal Services Authority, Saran at Chapra. Failure to do so, immediate steps shall be taken to realize the same in accordance with law.

19. Cr. Appeal (SJ) No. 202 of 2024 stands dismissed.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

