

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.524 of 2025

Arising Out of PS. Case No.-15 Year-2020 Thana- SC/ST District- Gopalganj

1. Ashok Kumar Srivastava @ Ashok Lal, Son of Kishundeo Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj
2. Dilip Kumar Srivastava @ Dilip Lal, Son of Kishundeo Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj
3. Suraj Srivastava @ Suraj Lal, Son of Ashok Kumar Srivastava @ Ashok Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj
4. Bittu Kumar Srivastava @ Bitu Lal, Son of Dilip Kumar Srivastava @ Dilip Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj
5. Rajan Kumar Srivastava @ Rajan Lal, Son of Dilip Kumar Srivastava @ Dilip Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj
6. Sajan Kumar Srivastava @ Sajan Lal, Son of Dilip Kumar Srivastava @ Dilip Lal, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Gulbadan Devi, Wife of Virendra Sah, Resident of Village - Baghauch, P.S. - Kuchaikot, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dharmveer, Adv.
For the Informant	:	Mr. Pankaj Kumar Dubey, Adv.
For the State	:	Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 09-07-2026 Heard the parties.

2. This appeal has been preferred under Section
14A(1) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act (hereinafter referred to as the "SC/ST Act") by the appellants, challenging the order dated 20.11.2024 passed by the learned Additional District & Sessions Judge-XI-cum-Special Judge, SC/ST Act, Gopalganj, in connection with Gopalganj SC/ST P.S. Case No. 15 of 2020, registered under Sections 323, 341, 354(B), 504 and 506 read with Section 34 of the Indian Penal Code (hereinafter referred to as the "IPC") and Sections 3(1)(r), 3(1)(s), 3(1)(w), and 3(2)(va) of the SC/ST Act, whereby and whereunder cognizance of the offences under Sections 323, 341, 354, and 504 read with Section 34 of the IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w), and 3(2)(va) of the SC/ST Act has been taken, and the appellants, along with one other accused, have been summoned.

3. Learned counsel appearing for the appellants submits that the FIR in Gopalganj SC/ST P.S. Case No. 15 of 2020 was lodged by respondent No. 2 with a malicious intention, on the alleged date of occurrence, appellant Nos. 1, 2, and 3, along with one other person, sustained injuries, some of which were opined to be grievous in nature, in respect thereof, Kuchaikot P.S. Case No. 243 of 2020 was instituted on the very next day after the occurrence for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 379 read with Section 34



of the IPC against the informant and others. It is further submitted that only thereafter, and after a lapse of several days, respondent No. 2, with a malicious intention, lodged Gopalganj SC/ST P.S. Case No. 15 of 2020 as a counterblast to the aforesaid case. It is further submitted that, upon completion of the investigation in the present case, the Investigating Officer submitted the charge-sheet only against appellant No. 1 and exonerated the other appellants by showing them as not sent up for trial. However, despite the same, the learned trial court took cognizance against them as well, without taking note of the relevant circumstances, all of which are in favour of the appellants and indicate the malicious intention of the prosecution party.

4. On the other hand, learned counsel appearing for respondent no. 2 submits that the impugned order is a reasoned one. It is further submitted that the learned trial court has referred to three paragraphs of the case diary, which disclose sufficient incriminating materials against the appellants to attract the alleged offences of which cognizance has been taken against them.

5. Heard both the sides and perused the order impugned and other relevant materials. Though, the grounds



taken by the appellants in this appeal may be relevant before the trial court and a proper conclusion can only be made by the trial court itself after taking evidences, however, at this stage in view of the FIR of Gopalganj SC/ST Case No. 15 of 2020 and statements of witnesses recorded in paragraph nos. 5, 6 and 7 of the case diary, as referred by the trial court, this court finds no illegality in the impugned order passed by the trial court. Accordingly, there is no merit in this appeal, so, it stands dismissed.

(Shailendra Singh, J)

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