

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.555 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- JAMALPUR District- Munger

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1. Nripendra Kumar Singh @ Nipendra Singh, Son of Natho Singh Resident of Mohalla - Basudeopur, Near Nand Kumar High School, P.S. - Kotwali, District - Munger
 2. Seema Singh, Wife of Nripendra Kumar Singh @ Nipendra Singh, Resident of Mohalla - Basudeopur, Near Nand Kumar High School, P.S. - Kotwali, District - Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Aarushi Chaudhary, Daughter of Anil Chaudhary, Resident of Khalasi Mohalla, Mohanpur, Jamalpur, P.S. - Jamalpur, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prince Kumar Mishra, Adv.
		Ms. Priyanka Kumari, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, (Spl. PP.)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 02-07-2026 The instant appeal has been filed under Section 14A(1) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities Act), (in short 'SC/ST Act') with a prayer to quash the order dated 03.12.2024 taking cognizance of the offences punishable under Sections 341, 323, 376, 385 of the Indian Penal Code (in short 'IPC') and Sections 3(1)(r), 3(1)(s) and 3(w)(2)(va) of SC and ST Act and Section 67A of the I.T. Act passed by learned Special Judge (SC/ST) Act-cum-Additional District Judge, 1st Munger, in connection with Jamalpur P.S. Case No. 98 of 2024.



2. Learned counsel appearing for the appellants submits that the order impugned is completely bad in the eye of law in so far as it relates to the appellants with respect to the offences punishable under Sections 376 and 385 of the Indian Penal Code (in short 'IPC') as there is not even a whisper in the entire FIR regarding any role of both the appellants in the commission of the offences under Sections 376 and 385 of the IPC, all the allegations relating to these offences are against the son of the appellants, despite this fact the learned trial court while taking cognizance of the aforesaid offences along with other offences under the IPC, SC/ST Act and I.T. Act, summoned the appellants as well, observing that a *prima facie* case was made out against them in respect of all these offences. This, according to the learned counsel, clearly reflects a mechanical approach on the part of the trial court. It is further submitted that the main part of the allegation is against the son of the appellants and the FIR clearly shows that the appellants were made accused by the respondent no. 2 only to harass them on account of their relationship as parents of the co-accused Nilendra Kumar Singh and further the allegation made in the last portion of the FIR against the appellants that while abusing the informant/respondent no. 2, appellants started compelling



her to establish an illicit relationship with their son, is wholly unbelievable. However, learned trial court failed to take into consideration the findings of the investigation and the materials available in the case diary, particularly the statements of independent witnesses.

3. No one appears on behalf of the respondent no.2, despite service of notice upon her.

4. Learned APP appearing for the state submits that in so far as the allegation of caste based abuse is concerned the trial court has rightly taken the cognizance of the offences under Sections 3(1)(r)(s) and 3(w)(2)(va) of SC/st Act as sufficient *prima facie* materials exist to attract the said offences against the appellants.

5. Considering the aforesaid submissions and taking note of the allegations levelled by the respondent no. 2 in her FIR, this court finds substance in the submissions advanced on behalf of the appellants as the learned trial court adopted a mechanical approach while passing impugned order insofar as it relates to the offences punishable under Sections 376 and 385 of the IPC against the appellants. A plain reading of the FIR reveals that the allegation relating to the said offences are exclusively against the son of the appellants, which was not



properly appreciated by the trial court. Hence, the impugned order to the extent it takes cognizance of the offences under Sections 376 and 385 of the IPC against the appellants and summoning them for the said offences on account of being mechanical and reflective of non-application of judicial mind, is hereby, set aside to the extent of the appellants only.

6. The trial court is directed to pass a fresh order in accordance with law on the question of cognizance insofar as the appellants are concerned without being prejudiced with this order. It is made clear that the impugned order taking cognizance of the alleged offences against the co-accused shall remain unaffected by this order.

7. With above observation and direction the present appeal stands allowed.

(Shailendra Singh, J)

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