IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.810 of 2026

CNR No. BRHC010199722026

Arising Out of PS. Case No.-3 Year-2018 Thana- SAHARSA COMPLAINT CASE District- Saharsa

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Ajit Kumar Singh, S/O Late Triloki Nath Singh, Resident of village- Rauta, P.S.- Sour Bazar, District- Saharsa

... ... Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar Raut, S/o Late Ram Chandra Raut, Resident of Animal Husbandry Colony, Saharsa, Ward No. 2, P.S.- Saharsa, District- Saharsa

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Shanker Singh, Adv. Mr. Barun Kumar Singh, Adv. Mr. Akshansh Shanker, Adv. Mr. Amit Kumar Mishra, Adv.
For the State	:	Mr. Binay Krishna, SPP
For the Resp No. 2	:	None.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

5 05-11-2026 Heard the parties.

2. The instant appeal has been filed under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short SC/ST Act) against the order dated 02.07.2019 passed by learned Additional District Judge-III-cum-Special Judge, Saharsa, in connection with Complaint Case No. 3C of 2018, whereby cognizance of the offences under Sections 323, 342, 379 and 504 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act has been taken against the appellant and others and process has been issued

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against him.

3. Learned counsel for the appellant submits that the instant matter is based on a complaint petition filed by respondent No. 2 in which the appellant has been arrayed as opposite party No. 3. From the narration of the entire prosecution story detailed in the complaint petition, it is clearly evident that there is no specific allegation against the appellant. Learned counsel further submits that during the course of enquiry, the complainant's son, namely, Sonu Kumar, was examined as an enquiry witness, who said nothing against the appellant or regarding his any role in the commission of the alleged offences and simply revealed his presence at the alleged place of occurrence without revealing his involvement with the other accused persons in the commission of the alleged occurrence. He simply stated that the appellant and two others came to the alleged place when the occurrence was taking place and it is the case of the prosecution that the appellant is a resident of a particular colony where the alleged incident is said to have taken place. In support of this submission, learned counsel has drawn the attention of this Court to the statement of the said witness, a copy of which has been filed along with this appeal. It is further submitted that in fact, one Rameshwar

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Mahto, who has been arrayed as an accused in the complaint petition by the respondent No. 2, had filed Saharsa Sadar P.S. Case No. 88 of 2018 against respondent No. 2 and his son, making serious allegations pertaining to the offences under Sections 447, 341, 323, 308, 384, 325, 504 and 506 read with Section 34 of the IPC. Only thereafter, with malicious intention, respondent No. 2 filed the present complaint petition, which shows his intention to harass the said Rameshwar Mahto, the appellant and others, as well as to create pressure upon them. It is lastly submitted that the alleged offences of which cognizance has been taken are not attracted even prima facie against the appellant and in this regard, the approach of the trial court is completely erroneous.

4. No one appears on behalf of the respondent No. 2.

5. Learned APP appearing for the State opposes the prayer of the appellant and submits that the impugned order is proper and has been passed in light of the allegations levelled in the complaint petition which get support from the statement of the enquiry witnesses.

6. Considering the above submissions and having perused the complaint petition filed by respondent No. 2 as well as taking note of the statement of the enquiry witness, Sonu

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Kumar, who is said to be an important witness to the commission of the alleged offences, this Court finds substance in the submissions advanced by learned counsel for the appellant. This Court is of the view that the alleged offences of which cognizance has been taken are not attracted even prima facie against the appellant and the trial court committed an error in summoning the appellant for the alleged offences. Accordingly, the order impugned to the extent of taking cognizance of the alleged offences against the appellant is hereby set aside and the instant appeal stands allowed.

(Shailendra Singh, J)

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