

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1568 of 2025**

Arising Out of PS. Case No.-45 Year-2022 Thana- SC/ST District- Munger

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1. Meera Devi @ Meera Kumari, W/o- Late Kamalkant Thakur, Resident of Munger Katghar Near Hanuman Mandir ward no 11 P.S- Kotwali, Dist- Munger, Presently residing at Mohalla - Subhash Nagar Ward No-13, Near Shiv Mandir P.S. + Dist- Purnea
 2. Sanjeev Kumar Suman, S/o- Kamla Kant Thakur, Resident of Mohalla Subhash Nagar Ward No-13, Near Shiv Mandir P.S. + District- Purnea
 3. Santosh Kumar Suman @ Santosh Kumar, S/o- Kamla Kant Thakur, Resident of Mohalla- Subhash Nagar Ward No-12, Near Shiv Mandir PS. + Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sapna Devi, W/o- Abhijeet Paswan, R/o Moh- Shubhash Nagar Gali No-5, P.S.- Kotwali Dist- Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

9 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, seeking quashing of the order dated 21.10.2024 passed by the learned Special Judge, SC/ST Act, Munger, in connection with SC/ST P.S. Case No. 45 of 2022, whereby and whereunder cognizance of the offences punishable under Sections 341, 323, 354B, 406, 420, and 504 of the Indian Penal Code (hereinafter referred to as the "IPC") and



Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), and 3(2)(va) of the SC/ST Act has been taken against the appellants.

3. Learned counsel appearing for the appellants submits that the narration of the alleged occurrence in the FIR clearly shows that the allegations relating to the offences under Sections 420 and 406 of the IPC are directed exclusively against the co-accused, Kamlakant Thakur, who has since died. It is submitted that the first part of the FIR pertains solely to the said co-accused and contains allegations that he cheated the informant on the false promise of securing her a government job. The role of the appellants emerges only in the second part of the occurrence, which relates merely to assault and abuse, according to the learned counsel, at the most, the allegations against the appellants may attract the offences under Sections 323 and 354B of the IPC and the relevant provisions of the SC/ST Act. However, there is no allegation whatsoever against the appellants constituting the offences of cheating or criminal breach of trust under Sections 420 and 406 of the IPC. It is further submitted that despite the absence of any such allegation, the learned trial court, in a mechanical manner, has taken cognizance of the said offences against the appellants. It is further submitted that cognizance of the offences under Sections



406 and 420 of the IPC has not been taken against the appellants with the aid of Section 34 of the IPC.

4. No one appears on behalf of the respondent no.2 while learned APP appearing for the State is present and he submits that the trial court's order is well reasoned and has been passed in accordance with law. It is further submitted that there is no illegality or infirmity in the said order.

5. Having heard both the sides and perused the impugned order as well as the FIR of SC/ST P.S. Case No. 45 of 2022, this court finds substance in the submissions advanced on behalf of the appellants, particularly with regard to the mechanical approach adopted by the learned trial court in taking cognizance of the offences under Sections 406 and 420 of the IPC against the appellants. Accordingly, the impugned order is hereby set aside, and the learned trial court is directed to pass a fresh order on the point of cognizance in respect of the appellants, in accordance with law and on its own merits, without being prejudiced with the order of this court.

6. In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

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