

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2709 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- Mohanpur District- Purnia

Chhatish Sharma @ Chhatish Kumar @ Satish @ Chhatish Kumar Sharma,
S/o Sri Vindeshwari Sharma Resident of Vill- Topra Ward No. 10, P.S. -
Mohanpur, Distt.- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi, W/o Sri Ajit Paswan Paswan, R/o Vill - Topra, Ward no. 10,
P.S. - Mohanpur, Distt.- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amit Kumar Anand
For the Respondent/s	:	Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

12 17-06-2026

Heard the parties.

2. The instant appeal has been preferred by the appellant under section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, (in short 'SC/ST Act'), against the order dated 15.04.2025 passed by the Court of learned District & Additional Sessions Judge-1st-cum-Special Judge SC/ST (POA) Act, Purnea, in connection with Special SC/ST Case No. 75/2025, arising out of Mohanpur P.S. Case No. 88/2024, whereby the learned court below has taken cognizance of the alleged offences against the appellant.

3. The main submissions advanced by the appellant's counsel are that the allegations levelled by the informant in the



FIR of Mohanpur P. S. Case No. 88 of 2024 are completely false and fabricated, in fact, the appellant sustained firearm injury at the hands of the family members of the informant on the very same day of the alleged occurrence and in this regard, FIR bearing Mohanpur P.S. Case No. 86 of 2024 was lodged by the father of this appellant against the informant of the present matter and nine others and in that occurrence, the appellant sustained gunshot injury on his neck and he was treated at different hospitals and there are sufficient medical evidences to prove the said treatment as well as gunshot injury. It is further submitted that the alleged incident of rape is said to have been committed at about 3:00 P.M. on 04.09.2024 but the FIR which is based on the fardbeyan of the informant was registered on 14.09.2024 after the delay of 10 days without giving any plausible explanation and further there was only a gap of 1 or 2 hours between the commission of the alleged occurrence of the present matter and the occurrence forming the subject matter of Mohanpur P.S. Case No. 86 of 2024 and in that circumstances, it was not possible for the appellant and the co-accused to commit the alleged offence of rape with the informant and all these facts clearly show that the FIR was lodged by the informant with malicious intention in order to create a defence in the cross-case



and the learned court below has taken cognizance in mechanical manner without appreciating all these facts.

4. Learned APP appearing for the State has opposed the prayer of the appellant and submits that in the case diary which is available before this court, there are sufficient materials to attract the commission of the alleged offences and it is an admitted position that the fardbeyan of the victim was recorded in Surgical Ward of the hospital, though there was some delay in the registration of the FIR but the same was procedural in nature as the fardbeyan of the informant was recorded on 08.09.2024 and before that the victim had remained under treatment at the Primary Health Center from where she was referred to G.M.C.H., Purnea and further, the defence taken by the appellant requires appreciation of evidence during trial and at this stage, there are sufficient *prima facie* materials to justify the order taking cognizance.

5. Heard both the sides and perused the order impugned and the FIR and the case diary of the present matter as well as of Mohanpur P.S. Case No. 86 of 2024 lodged by the father of the appellant, this court finds that though the defences raised by the appellant as discussed above are relevant and important but the same require evidentiary scrutiny during trial



and only thereafter a proper conclusion can be made and one thing is quite clear that the informant/victim recorded her fardbeyan in the hospital and if the FIRs of both the cases are taken into account then one thing is also clear that the victim and the appellant were in close proximity during the relevant period of time as there was a gap of only about two hours between the commission of the two occurrences. Further, during the investigation, some witnesses have supported the allegations of the informant. Considering all these facts, this court does not find it appropriate to set aside the order of the learned trial court taking cognizance of the alleged offences against the appellant and finds no merit in this appeal, the appeal stands dismissed.

(Shailendra Singh, J)

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