

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3354 of 2022**

Arising Out of PS. Case No.-476 Year-2018 Thana- HARSIDHI District- East Champaran

Anil Kumar @ Anil Bayahut Son of Pannalal Vyahut Resident of- Ward No.-
1, Harsidhi, P.S.- Harsidhi, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishwajeet Kumar Mishra, Adv
	:	Mr. Aakash Choudhary, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
CAV JUDGMENT**

Date : 25-02-2026

Heard the parties.

2. The present quashing appeal has been preferred to quash the order dated 21.05.2022 passed in SC/ST Case No. 360 of 2021 arising out of Harsidhi P.S. Case No. 476 of 2018 passed by learned Special Judge SC/ST Act, Motihari, whereby learned Special Judge has rejected the application under Section 227 of the Cr.P.C. filed by the appellant for his discharge, which was preferred against the cognizance order, which was taken for the offences punishable under Sections 341, 323, 353 and 504/34 of the IPC and Sections 3(1)(i)(r)(s) of the SC/ST Act.



3. The brief case of prosecution speaks that the informant, Satish Kumar, Circle Officer of Harsidhi Block, while he was returning on 18.11.2018 at about 6:00 PM to the Circle Office after inspecting law and order arrangements for the Chief Minister's arrival, he reached Harsidhi Market and found heavy traffic congestion due to several vehicles and about 45 auto-rickshaws were parked on the road. When he directed the auto drivers to remove their vehicles, Anil Bayahut along with his son Anand Bayahut allegedly approached his vehicle, start abusing him, and, despite his attempt to pacify, behaved aggressively and appeared to assault him.

4. Learned counsel appearing on behalf of appellant submitted that from the bare perusal of material available on record it can be gathered safely that driver of the informant and other witnesses have not supported the case of the informant rather they have stated that appellant has not abused and assaulted the informant, but said fact was completely ignored by learned Trial Court. It is submitted that in-fact the driver of the informant tried to puncture the auto-



rickshaw which was standing beside the road and for that appellant and other auto-rickshaw drivers raised objections, whereafter the present false case was lodged, upon completion of investigation the charge-sheet was filed against the appellant for the offences punishable under Sections 341, 323, 353 and 504/34 of the IPC and Sections 3(1)(i)(r)(s) of the SC/ST Act. It is further submitted that from the bare perusal of FIR, it can be gathered that no criminal force was used to restrain the informant from discharging his duty being public servant and, therefore, no case under Sections 341 and 353 of the IPC as alleged appears made out. It is submitted that the requirement of Section 323 of the IPC also not appears meet out.

5. While travelling over the argument learned counsel submitted that even from the perusal of the FIR it can be gathered safely that there is no whisper *qua* abusing informant in his caste name, rather it was alleged in very general manner that informant was abused by the appellant. It is not the case of prosecution that appellant was aware about the caste of the informant, who is C.O. and was



discharging his public duty *qua* traffic regulations of the area.

In support of his submissions learned counsel relied upon the reports of Hon'ble Supreme Court as available through

Hitesh Verma Vs. State of Uttarakhand and Another, [(2020) 10 SCC 710] & also State of Haryana and Others vs. Bhajan Lal and Others reported in 1992 Supp (1) Supreme Court Cases 335.

6. Learned Spl.PP appearing on behalf of State, while opposing the present quashing petition submitted that even the grave suspicion is sufficient to frame a charge and if on the basis of material on record, the Court could form an opinion that accused must have committed offence charge can be framed. In support of her submissions learned Spl.PP relied upon the report of Hon'ble Supreme Court as available through **Sajjan Kumar Vs. CBI, [2010(09) SCC 368].**

Learned Spl.PP further relied upon the legal report of Hon'ble Supreme Court as available through **State of Delhi Vs. Gyan Devi and others, [(2000) 8 SCC 239]** where it has been held by Hon'ble Supreme Court that at the stage of framing of charge the Trial Court is not to examine material in



details nor it is for the court to consider the sufficiency of material to establish the offences alleged against the accused person, rather at the stage of framing charge the court is to examine the material only with a view to be satisfied that a prima-facie case of commission of offence alleged has been made out against the accused persons.

7. It would be apposite at this stage to reproduce paragraph no. 23 of the **Hitesh Verma Case (supra)** for better understanding of the case, which is as under:-

23. This Court in a judgment reported as Ishwar Pratap Singh v. State of U.P. [Ishwar Pratap Singh v. State of U.P., (2018) 13 SCC 612 : (2018) 3 SCC (Cri) 818] held that there is no prohibition under the law for quashing the charge-sheet in part. In a petition filed under Section 482 of the Code, the High Court is required to examine as to whether its intervention is required for prevention of abuse of process of law or otherwise to secure the ends of justice. The Court held as under : (SCC p. 618, para 9)

“9. Having regard to the settled legal position on external interference in investigation and the specific facts of this case, we are of the view that the High Court ought to have exercised its jurisdiction under Section 482 CrPC to secure the ends of justice. There is no prohibition under law for quashing a charge-sheet in part. A person may be accused of several offences under different penal statutes, as in the



instant case. He could be aggrieved of prosecution only on a particular charge or charges, on any ground available to him in law. Under Section 482, all that the High Court is required to examine is whether its intervention is required for implementing orders under the Criminal Procedure Code or for prevention of abuse of process, or otherwise to secure the ends of justice. A charge-sheet filed at the dictate of somebody other than the police would amount to abuse of the process of law and hence the High Court ought to have exercised its inherent powers under Section 482 to the extent of the abuse. There is no requirement that the charge-sheet has to be quashed as a whole and not in part. Accordingly, this appeal is allowed. The supplementary report filed by the police, at the direction of the Commission, is quashed.”

8. It would also be apposite to reproduce the paragraph no. 102 of the Apex Court decision in the case of **Bhajan Lal Case (supra)** which reads as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible



guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings



and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. Coming to the case at hand, it appears that there is nothing on record to indicate that the alleged acts of the appellant were motivated for the reason as complainant is a member of SC/ST community, neither the FIR nor charge-sheet contains whisper of allegation of insult or intimidation by the appellant herein, except that the informant was discharging his official duty. It does not even transpires from the FIR that appellant was under knowledge that informant belongs to a SC/ST community.

10. In view of aforesaid factual and legal discussions, the charge against the appellant under Section 3(1)(i)(r)(s) of the SC/ST Act are not made out consequently the charge-sheet/impugned orders to that extent is quashed.

11. For the cognizance of rest of the offences (under Sections 341, 323, 353 and 504/34 of the IPC) the submission as raised by learned counsel for the appellant



appears disputing the factual aspects, which can be looked into during the trial only and, therefore, this Court find no occasion to interfere with the aforesaid offences of the Indian Penal Code, at this stage.

12. Accordingly, the appeal is disposed of in above terms i.e., allowed in part to the aforesaid extent.

13. In view of aforesaid, learned Special Court is directed to place this matter before learned District Judge as to transfer this record to Regular Court for trial *qua* rest of the offences.

14. TCR (Trial Court Records), if any, be returned to the learned Trial Court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25.02.2026
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