IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3970 of 2024

CNR No. BRHC010801462024

Arising Out of PS. Case No.-15 Year-2021 Thana- SC/ST District- Begusarai

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1.	Angad Singh @ Bhulu Singh, Son of Banarashi Singh, R/o Village- Naula, Ward No. 21, P.S.- Bhagwanpur, Dist.- Begusarai
2.	Kari Singh @ Prince Kumar, Son of Suresh Singh, R/o Village- Naula, Ward No. 21, P.S.- Bhagwanpur, Dist.- Begusarai

... ... Appellant/s

Versus

1.	The State of Bihar
2.	Rajesh Pashi, Son of Late Arjun Chaudhary, R/o Village – Naula, Ward No. 21, P.S.- Bhagwanpur, District- Begusarai.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Yogesh Kumar, Adv.
For the State : Mr. Sadanand Paswan, SPP
For the Resp. No. 2 : None.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

4 29-10-2026 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 06.05.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with SC/ST P.S. Case No. 15 of 2021, CIS No. 48 of 2021, whereby the petition filed by the appellants with a prayer to discharge them under Section 227 of Code of Criminal Procedure (in Short,

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'Cr.P.C.') has been rejected.

3. Learned counsel appearing for the appellants submits that while rejecting the prayer of the appellants for discharge, the learned trial court did not appreciate the materials collected by the Investigating Officer, particularly the CCTV footage concerning the commission of the alleged occurrence. Further, the statements of the material witnesses, namely, Vikram Kumar and Ramshresth Yadav, were not appreciated in right perspective as their statements were in full conformity with the details of the occurrence recorded by the CCTV camera, as discussed in paragraph No. 8 of the case diary. In the said footage, only one person, namely, Sonu Singh, was seen committing *marpit* with the informant, though some other persons were also seen but they were not alleged to be involved in the commission of *marpit*. In the same line, the statements of Vikram Kumar and Ramshresth Yadav were recorded and they claimed themselves to be eyewitnesses. It is further submitted that as per the allegation, a knife was used to assault the informant but no corresponding injury corroborating the said allegation was found on the person of the informant, and only three injuries in the nature of abrasions and pain, were found, which are sufficient to falsify the allegation of use of a sharp-

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edged weapon in the alleged occurrence and this aspect was also not appreciated by the learned trial court while rejecting the prayer of the appellants for discharge.

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

5. Learned SPP appearing for the State opposes the prayer of the appellants and submits that the order impugned has been rightly passed as there are sufficient *prima facie* materials to attract the alleged offences and in this regard, the FIR as well as the informant's restatement, his wife's statement and his injury report, are sufficient.

6. Heard both the sides and perused the impugned order, the FIR and the case diary. Both the appellants are named in the FIR. As per the allegation, the alleged occurrence is said to have taken place in front of their house and the informant was firstly abused by using caste name and thereafter, he was assaulted. The informant remained consistent with his allegations in his restatement and his injury report is also available. Though two persons, namely, Vikram Kumar and Ramshresth Yadav, whose statements were recorded by the Investigating Officer under Section 161 of the Cr.P.C., do not support the informant's allegations in letter and spirit, however the allegation of assaulting the informant by one of the accused

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persons has not been denied by them. Further, their credibility is to be examined by the trial court as their names do not find place in the FIR. At this stage, there are sufficient materials to attract the alleged offences against the appellants and the learned trial court has rightly rejected the prayer of the appellants for discharge and there is no merit in this appeal, so, it stands dismissed.

(Shailendra Singh, J)

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