

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4578 of 2025

Arising Out of PS. Case No.-201 Year-2024 Thana- SARAI District- Vaishali

1. Sujeet Kumar @ Sujeet Thakur, Son of Late Shivnandan Thakur R/o - Mani Bhakurahar, P.O - Mani Bhakurahar, P.S - Sarai, District - Vaishali, 844125
2. Manish Kumar @ Manish Kumar Singh Son of Late Shivnandan Thakur R/o Village - Mani Bhakurahar, P.O. - Mani Bhakurahar, P.S - Sarai, Dist. - Vaishali, 844125.
3. Naveen Kumar @ Praveen Kumar Son of Late Shivnandan Thakur R/o Village - Mani Bhakurahar, P.O. - Mani Bhakurahar, P.S - Sarai, Dist. - Vaishali, 844125.
4. Sameer Thakur @ Sameer Kumar, Son of Late Shivnandan Thakur R/o Village - Mani Bhakurahar, P.O. - Mani Bhakurahar, P.S - Sarai, Dist. - Vaishali, 844125.
5. Sumant Kumar Son of Late Sujeet Thakur R/o Village - Mani Bhakurahar, P.O. - Mani Bhakurahar, P.S - Sarai, Dist. - Vaishali, 844125.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Puran Ram R/o Village - Mani Bhakurahar, P.O. - Mani Bhakurahar, P.S - Sarai, Dist. - Vaishali, 844125.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Adv. Mr. Ajay Kumar, Adv. Mr. Kanaya Kumar @ Kanhaiya Kr., Adv.
For the State	:	Mrs. Usha Kumari No. 1, SPP
For the Resp. No.2	:	Mr. Rajeev Ranjan No. -II, Adv. Mr. Pranav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 23-07-2026 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 08.08.2025 passed by learned Exclusive Special



Court (SC/ST Act), Vaishali at Hajipur, in connection with G.R. No. 148 of 2025 arising out of Sarai P.S. Case No. 201 of 2024, whereby cognizance has been taken against the appellants for offences under Sections 126(2), 115(2), 352 & 74 of the Bharatiya Nyaya Sanhita and Section 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel appearing for the appellants submits that as per the FIR, the specific allegation of abusing and assaulting the victim/informant are against the appellant Nos. 1 & 5 and against the rest appellants, there is no specific allegation and while taking cognizance, the trial court has placed reliance upon the statements of the witnesses who have been examined during the course of investigation, which are mentioned in the paragraph Nos. 5, 6 & 7 of the case diary and their statements were not appreciated in the right perspective even to find out the *prima facie* involvement of appellant Nos. 2, 3, & 4, in the commission of the alleged occurrence and to this extent, the order impugned is completely mechanical and bad in the eye of law.

4. Though learned counsel appearing for the respondent No. 2 opposes this appeal but fairly accepts that against the appellant Nos. 2, 3 & 4, there is no allegation in



view of the statements of the witnesses detailed in the case diary.

5. Considering the above submissions, this Court finds substance in the contentions advanced by the appellants' counsel and the order impugned appears to be mechanical to the extent of appellant Nos. 2, 3 & 4 and it appears that the learned trial court has not appreciated the materials collected by the investigating officer in a proper manner, so, the interest of justice demands a fresh order on the point of cognizance. Accordingly, the order impugned is hereby set aside and the instant appeal stands allowed.

6. The trial court is directed to pass a fresh order on the point of cognizance without being prejudiced with this order as well as the above observations.

(Shailendra Singh, J)

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