

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.112 of 2023**

Arising Out of PS. Case No.-451 Year-2019 Thana- KAHALGAON District- Bhagalpur

KESHAW MAHTO @ KESHAW KUMAR MAHTO SON OF YAMUNA
PRASAD MAHTO R/O VILLAGE- WARD NO.1, MATHURAPUR, P.S.-
KAHALGAON (SHIVNARAYANPUR), DISTRICT- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. VINIT KUMAR SON OF LATE BANGALI CHAUDHARY R/O
VILLAGE- SANTHALI TOLA, (MATHURAPUR), P.S.-
SHIVNARAYANPUR, DISTRICT- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Vijaylakshmi Shrivastava, Advocate
Ms. Shweta Kumari, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

7 15-02-2025 Learned counsel for the appellant undertakes to
remove defect(s).

2. Heard Mrs. Vijaylakshmi Shrivastava, learned
counsel for the appellant duly assisted by Ms. Shweta Kumari
and Usha Kumari No. 1, learned Spl.P.P.

3. The present appeal has been preferred for:

*“quashing the order dated 09.10.2020
passed by the learned III Additional Sessions
Judge-cum- Special Judge SC/ST, Bhagalpur
passed in Shivnarayanpur, Kahalgaon, P.S.
Case No. 451/2019 (G.R. No. 108/2019)*



offences alleged u/s 341, 323, 504, 506 and 34 of the I.P.C. and 3(i) (2) (s) SC/ST Act. Pending in the Court of III, Additional District and Sessions cum Special Judge, SC/ST, Bhagalpur.”

4. With the consent of the parties, both the Interlocutory Application as well as the present petition are taken up for final hearing.

5. As per the prosecution story, the informant alleged that while sitting with his friend at Aanganwari Center at Santhali Tola, in the meantime, the accused persons including one Jaynath Mahto (Mukhiya) came and after abusing and by taking caste name, resorted to assault. This was witnessed by the villagers. As the informant fled away from the scene, the allegation is that certain ornaments were also snatched. This led to the FIR.

6. Subsequently, the matter was investigated whereafter it traveled to the Court of learned III Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur and after taking note of the FIR as also the witnesses, statement in paragraphs 3, 6 and 7, vide an order dated 09.10.2020, cognizance was taken in the matter.



7. Aggrieved, the present appeal.

8. It is the case of the appellant as presented by Mrs. Shrivastava that the occurrence has taken place at Aanganwari Center which is not an open place, an exaggerated version was presented and the Court in that background, erred in taking cognizance which needs interference.

9. Learned Spl.P.P., Mrs. Usha Kumari, No. 1 on the other hand submits that only the word Aanganwari Center is there, it is not the case of the informant that they were sitting inside the room. The fact that the locals were there whose names have also been incorporated in the FIR and some of the witnesses have supported the prosecution story as incorporated by the learned Sessions Judge, in that background, the cognizance order needs no interference.

10. Having heard the parties and perusing the record, a perusal of the FIR would show that the appellant is talking about the Anganwari Center and not the same inside the room. Further, as pointed out learned Spl.P.P. several names of the locals have been incorporated in the FIR who witnessed the occurrence.

11. In that background, the concerned Court was fully justified in taking up the matter and passing an order of



cognizance against the appellant.

12. In that background, no interference is required.

13. Both the Interlocutory Application as well as present appeal stand dismissed.

(Rajiv Roy, J)

Adnan/-

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