

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37697 of 2012

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1. Ajay Kumar Rai S/O Raghav Rai Resident Of Village- Jalalpur Khurd,
P.S- Sidhwaliya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ram Raj Manjhi, Headmaster S/O Late Banka Manjhi Resident Of
Village- Khajuria Bazar, P.S- Sidhwaliya, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. Ram Chandra Sahain (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

6 14-05-2015 After having heard the learned counsel for the petitioner and the learned counsel for the Opposite Party complainant. The complainant in his capacity as the headmaster of a school alleged that while he was reviewing the construction work along with some of his teachers the petitioner with two others came there and started abusing him by his caste name and further demanded of the complainant that if he had not paid him an amount of Rs.50,000/- he would allow to construction to go on.

After usual enquiry under Section 202 Cr.P.C. the order of summoning dated 13.03.2012 was passed. The learned Magistrate has passed a very long order and had held that the offences under Sections 323,384, 504 IPC and that under Section 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act,1989 was made out.

The learned counsel appearing for the petitioner attempted to challenge the whole summoning order as regards the constitution of the offences but on perusal of the deposition sheets of the witnesses, this Court finds that it is farfetched proposition to hold that the offences under the Indian Penal Code were not made out. So far as summoning of the petitioner for committing the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned, it might have been a public place and it might have been also an act committed in public view but what this Court finds is that the complainant having described himself as the headmaster of the institution and had lodged the complainant in that behalf seized to be a member either of the Scheduled Castes and Scheduled Tribes in spite of he individually belonging to any particular caste. He was filing the complaint in his official capacity and no public servant could claim his caste credentials being carried to his office under the present set of rule of law. Moreover, what appears further is that the intention was not insult or to humiliate the complainant, it was only to extract an amount of Rs.50,000/- and if that demanded intention was there, then the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act could not be

said to be constituted.

Having said what I have after hearing the parties, I allow the petition to the extent that the summoning of the petitioner for committing the offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act appears bad in law and to that extent the order is set aside. The remaining part of the order stands and the trial in respect of those offences shall continue. The order of stay if passed on any date shall stand vacated.

(Dharnidhar Jha, J)

B.Kr./Saif.

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