

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1744 of 2022**

Arising Out of PS. Case No.-165 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

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1. RANJAN SINGH @ RANJAN KUMAR Son of Late Bachcha Prasad Singh
Resident of Village - Gehuni, P.S.- Bachhwara, District - Begusarai.
 2. Rakesh Singh @ Chhotaka Nunu Son of Late Bachcha Prasad Singh
Resident of Village - Gehuni, P.S.- Bachhwara, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Preeti Devi Wife of Kanchan Paswan Resident of Village - Gehuni, P.S.-
Bachhwara, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

8 04-10-2023 Heard learned counsel for the appellants and the
respondents.

Appellants, by filing this appeal under section 14(A)
(1) of the S.C./S.T. (Prevention of Atrocities) Amendment Act
has prayed for quashing of the order dated 05.04.2022 passed by
Special Judge SC/ST (POA) Act, Begusarai in Bhagwanpur P.S.
Case No. 165 of 2018 (CIS No. 21284/2018), whereby and
whereunder the application filed under section 228(1)(a) of the



Code of Criminal Procedure for remand of the case to the Court of C.J.M. for trial, has been dismissed.

Submission of the learned counsel for the appellants is that the order impugned has been passed without application of judicial mind and learned court has also failed to appreciate that no offence is made out against these appellants. It is submitted that the parties are agnates that there is admitted land dispute between them. The present first information report has been lodged after 20 days of the alleged occurrence without there being any plausible explanation for the delay. As a matter of fact, the villagers are trying to dispossess the appellants from the land in question and for that purpose only the present false case has been lodged implicating these appellants. No offence under the SC/ST (POA) is made out against the appellants.

Learned counsel appearing for the State opposes the appeal and submits that there are ample materials in the case diary for constituting an offence under the SC/ST (Prevention of Atrocities) Act besides other sections of the Indian Penal Code in which cognizance has been taken.

Heaving heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by the learned



counsel for the appellants. I do not find any error in the order passed by learned Special Judge.

Accordingly, the appeal is dismissed.

(Arvind Srivastava, J)

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