

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55660 of 2018

Arising Out of PS. Case No.-1111 Year-2014 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Shimpi Devi Wife of Pradip Ram Resident of Village - Singion, Ward No. 9,
P.S. Mirganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nand Kumar Yadav
3. Siyaram Yadav
4. Shiv Kumar Yadav
5. Raj Kumar Yadav
6. Jai Kumar Yadav
7. Krishna Kumar @ Mantu All are sons of Late Dharm Lal Yadav
8. Vinay Kumar Yadav
9. Lalan Kumar Yadav
10. Laddo Kumar Yadav Petitioner No. 8 to 10 are Sons of Late Nand Kumar Yadav
11. Pappu Kumar Yadav Son of Shiv Kumar Yadav
12. Guddu Kumar Son of Siyaram Yadav
13. Ashish Kumar Son of Siyaram Yadav
14. Bittu Kumar Son of Krishna Kumar @ Mantu Yadav
15. Nawal Yadav Son of Jagunandan Yadav All are residents of Village - Singiyan, P.O. Amarpura, P.S. Murliganj, District Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.
For the Opposite Party/s : Smt Usha Kumari No-1, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2024 Heard Mr. Dinesh Prasad Verma, learned counsel for

the petitioner and learned APP for the State.

2. The petitioner has challenged the order dated

20.03.2018 passed by learned Sessions Judge, Madhepura in Cr.



Revision No. 108 of 2017 whereby the learned Sessions Judge has arrived at a finding that there is no ground for issuance of summons for offence under section 3(1) (x) of SC & ST Act, and modified the order taking cognizance passed by the Judicial Magistrate 1st Class, Madhepura to the aforesaid extent.

3. On a complaint filed by OP No. 2/Complainant wherein it has been stated that an area of 38 Decimal land recorded in the name of her father-in-law and was in possession of the complainant's family, the accused persons tried to capture her land by force. On the date of occurrence, one of the accused persons, namely, Nand Kumar Yadav came to the door of the complainant and on some pretext or the other, called the complainant as *Daain* and abused her by calling her caste name and also assaulted her. In the SA, the complainant has stated that she has a land dispute measuring an area of 10 *Katthas* upon which the accused persons are claiming title/ownership. Due to the said land dispute, the accused persons abused her by calling her caste name and also called her *Daain*.

4. Learned counsel for the petitioner submits that from perusal of the complaint, *prima facie* case is made out inasmuch as in front of the villagers and other witnesses, the petitioner called the complainant as *Daain* and also abused her



by her caste name. The learned Sessions Judge has failed to appreciate the fact that *prima facie* case is made out against the Opposite Parties under section 3(1) (x) of SC & ST Act.

5. I have heard the learned counsel for the petitioner and gone through the order passed by learned Sessions Judge in Cr. Revision No. 108 of 2017. The learned Sessions Judge in the order impugned took note of the statement made by the witnesses during course of inquiry. EW-1, Jawahar Yadav has stated in his evidence that the occurrence had taken place about one month ago and the complainant claims to have 38 decimal of recorded land which is also being claimed by the accused persons. When the accused persons went to cultivate the land and upon objection, they assaulted the complainant and called her Daain. EW-2, Kishan Rishideo has stated in his evidence that the occurrence had taken place about 2 ½ months ago and all the accused persons called the complainant as *Daain* and assaulted her by fists and slaps.

6. The cause of dispute has been said to be the land dispute between the parties. Learned Sessions Judge, upon perusal of the materials available on record, has arrived at the finding that no *prima facie* material for issuance of summons under section 3(1) (x) of SC & ST Act is made out.



7. Having heard learned counsel for the petitioner and perusal of the impugned order and the finding arrived at by the learned Sessions Judge regarding the land dispute between the complainant and the accused persons and the finding that no *prima facie* material for issuance of summon under section 3(1) (x) of SC & ST Act is made out, I do not find any cogent reason to interfere with the impugned order.

8. Accordingly, the present petition stands rejected.

(Anil Kumar Sinha, J)

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