

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3709 of 2024

Arising Out of PS. Case No.-41 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Vinod Bhagat Son of Sakaldeep Bhagat R/O Vill.- Jadhua, Near Pani Tanki,
P.S.- Town, Hajipur, Dist.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Murat Chaurasia Son of Late Govind Prasad Chaurasia R/O Mohalla-
Chhoti Isufpur, Ward no. 38, P.S.- Industrial Area, Dist.- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-08-2024 1. Heard learned counsels appearing for the

parties.

2. The appellant have preferred the present

appeal under Section 14A (i) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act
against the order dated 19.03.2024, passed by learned
Exclusive Special Judge SC/ST Act- cum- Additional
Sessions Judge, Vaishali at Hajipur in Complaint Case
No. 41 of 2021 registered under Sections 406, 342,
323, 504, 379 of the I.P.C. and Section 3(x) of the



SC/ST Act.

3. As per prosecution case, the complainant was doing house construction work on contract (Thikedari) and he constructed the house of Ram Mural Chaurasia (O.P. No. 2) in 2017 and there was dues of Rs. 2 lakh and he did not paid the dues on repeated demand. The complainant along with other persons went to demand Rs. 2 lakh from him due to which O.P. NO. 2 got angry and started abusing them in the name of case and committed mar-pit by fists and slap and dashed on the ground and took away Rs. 7000/- from his pocket. On the basis of which complaint petition was filed by complainant Vinod Bhagat before learned Exclusive Special Judge SC/ST Act- cum- Additional Sessions Judge, Vaishali at Hajipur in Complaint Case No. 41 of 2021 registered under Sections 406, 342, 323, 504, 379 of the I.P.C. and Section 3(x) of the SC/ST Act for inquiry and disposal.

4. It is submitted by learned counsel for the



appellant that the complaint case in issue is fully satisfying the legal ingredients to make out a *prima-case* case for alleged offences which duly supported by complainant through his S.A., and also by inquiry witnesses and therefore dismissal of complaint under Section 203 of Cr.P.C. is bad in eye of law.

5. It is submitted that at this stage Magistrate is not looking into the probative value of material available on record in such a way which may likely to end with either conviction or acquittal, rather it should examine in such a way as to whether any prima-facie case is made out or not to bring criminal law into motion.

6. It is submitted that Id. Magistrate exceeded the jurisdictions by dismissing the complaint as lodged by the appellant.

7. Heard learned APP.

8. It appears out of submissions and perusal of impugned order that there is material contradictions



between the written complaint and statement of complainant on oath. It appears that occurrence took place due to dispute related with demand of Rs. 2,00,000/- (Rupees Two Lakh) which was due to complainant/appellant for constructing house of the respondent no. 2. It nowhere appears that occurrence took place out of atrocities within the meaning of S.C./S.T. (P.O.A.) Act, 1989. It also appears that issue involved between the parties is prima-facie civil in nature.

9. It further appears from the S.A. of complainant, recorded by Id. trial court on 23.02.2022, that he stated in very general and omnibus manner that he was abused by caste name without disclosing his caste, contradicting his own averment set out through complaint. His statement also appears contradictory on other issues like taking out of diary and further to torn it, this averments appears to be raised first time while recording statement on oath.



10. It appears that all such issues were well taken care through impugned order which is well reasoned and speaking having no occasion to interfere.

11. Hence, the present appeal devoid of any merit and same is dismissing herewith at admission stage itself.

12. Let the copy of this order be communicated to concerned Id. trial court without any delay.

(Chandra Shekhar Jha, J)

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