

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.244 of 2025

In
CRIMINAL MISCELLANEOUS No.40217 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Navin Kumar S/O Ram Janam Ram R/O Vill.- Babhansota, P.S.- Nabinagar,
Dist.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhuneshwar Prajapati S/O Dharamdeo Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
3. Surendra Prajapati S/O Bhuneshwar Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
4. Sunil Prajapati S/O Bhuneshwar Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
5. Anil Prajapati S/O Bhuneshwar Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
6. Arvind Prajapati S/O Dharamdeo Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
7. Prabhu Prajapati S/O Late Sataya Narayan Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
8. Yasoda Devi W/O Prabhu Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
9. Usha Devi W/O Sunil Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
10. Sangeeta Devi W/O Anil Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
11. Bimla Devi W/O Surendra Prajapati R/O Vill.- THazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
12. Binda Devi W/O Parmod Prajapati R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
13. Ganauri Chohan S/O Ramawtar Nuniya R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
14. Krishna Chouhan S/O Ganouri Chouhan R/O Vill.- Hazari Tola, Babhan Sota, P.S.- Nabinagar, Dist.- Aurangabad
15. Lal Bahadur Prajapati S/O Deo Sharan Prajapati R/O Vill.- Turta, P.S.- Kutumba, Dist.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1



CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 11-12-2025

Learned counsel for the appellant is permitted to make necessary correction in respondents address and also add respondent no. 15 with address, during the course of day.

2. Office is directed to make necessary correction in the cause-title.

3. Heard the parties.

4. This is an application for quashing the order dated 13.02.2023 passed by the 1st learned Additional District and Sessions Judge SC/ST Act, Aurangabad in connection with Aurangabad Complaint Case No. 23 of 2022 registered under Sections 323, 341, 379, 504, 506 of the I.P.C. and Sections 3(i)/3(ii)/(r) (s), 3, 4 of the SC/ST (POA) Act, whereby and whereunder the complaint case filed by the appellant has been dropped and learned trial court has not taken cognizance against the appellant.

5. As per prosecution case, on 25.02.2022 complainant filed a complaint case before the 1st learned Additional District and Sessions Judge SC/ST Act, Aurangabad which was registered Aurangabad Complaint Case No. 23 of 2022, alleging that the complainant was sitting at the door and 15 accused persons named in the complaint case started abusing



by calling caste name. They assaulted the complainant giving threatening to block the road. The accused Yosoda Devi, Usha Devi, Surendra Prajapati, Bimla Devi abused him by calling caste name. Thereafter, the complainant reported this matter to Nabinagar Police Station and to the concerned Circle Officer also but no action was taken. Accused persons again assaulted and abused him by caste name. The accused persons have planted the tree of Guava due to which the road of the complainant has been blocked. It is alleged that accused Lal Bahadur Prajapati purchased the motorcycle in Rs.29,000/- out of which Rs.5,000/- was paid and remaining amount of Rs.24,000/- was not given to the complainant. 15 days' time was given for paying the rest amount. On the demand of remaining amount, all the accused persons concertedly assaulted and abused him by caste name. It is further alleged that accused persons would file a false case for selling illicit liquor, if the money would be demanded. It is further alleged that accused persons have threatened to file a rape case and they would also harass him.

6. Learned counsel for the appellants submits that all the witnesses of the complaint have supported the allegation made in the complaint and the order of concerned court has



been passed without taking into account material available on record and the said complaint has been disposed of giving liberty to the complainant to choose the right forum for redressal of dispute emerging out of civil nature. He further submits that there is a specific allegation against all the accused persons and witnesses have adduced their evidence before the court. The very allegation as alleged in complaint was totally corroborated by the statement of all the witnesses who were examined before the court.

7. Learned counsel on behalf of the State submits that the concerned court has assigned the reason as to why the complaint has been dismissed. The court has recorded the reasoning that the case is lodged in order to get back the remaining amount of the sale purchase of the motorcycle and abusing him by taking his caste name and issue of passage dispute is merely an exaggeration in order to score the criminal case over the respondents. From the very verbatim of complaint, the civil tinge is found and the concerned court has referred the judicial pronouncement made by this court on 21.03.2018 passed in Cr. Misc. No.8438/2015. The court has given the reasoning as to why the said complaint be treated as a matter of purely civil nature. Prudently and pragmatically, how the story



of complaint has been prepared to implicate as many number of persons as the complainant can allege. The number of persons who are the respondents of this case is respondent no. 2 to 15 and the complaint is merely an articulation of device how to make allegation against all accused persons of the same locality. When the court question is asked, it came to fore that there is a dispute regarding pavement and the grievance of the complainant is that there is no alternative way to proceed. In court question C.W.-2 has admitted that the said matter arose on the issue of payment. He further submits that there is a reason for the concerned court to pass the order that the said matter is purely a civil dispute and the complainant has to avail the alternative remedy which is available to him and there is no reason to differ with the finding of the concerned court and the same is liable to be dismissed, at this stage.

8. After hearing the parties, I have perused the complaint as well as the evidence of witnesses from which it is apparent that dispute relating to the pavement prepared the ground for filing the complaint. During the court question, the matter is well grounded that the pavement issue is the root cause of all further proceedings and while disposing the case of complainant, the court has referred the judicial pronouncement



of this court as held in Cr. Misc. No.8438/2015. It has been recorded that the said matter is purely of civil nature and there is no reason to differ with the finding of the concerned court and the complainant has no grievance that he has not been provided opportunity to adduce the witnesses. On that score, there is no grievance of the complainant. The only grievance of the complainant is that the allegation of complaint is fully corroborated by the complainant's witness. The finding of the concerned court is based on the material available on record that the issue of selling and purchasing of motorcycle has taken an ugly turn and the very allegation of taking caste name and the issue of passage dispute appears to be exaggeration. In the light of aforesaid facts and circumstances of the case and hearing the parties concerned, there is no reason to differ with the finding of the concerned court.

- 9. Accordingly, the present appeal stands dismissed.
- 10. I.A. if any, shall also stand disposed of.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	12.12.2025
Transmission Date	N/A

