

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.522 of 2025**

Arising Out of PS. Case No.-32 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Pappan Kumar Singh @ Baban Kumar Singh S/O Krishna Vallabh Singh R/O
vill.- Choutham, P.S- Chautham, Dis.- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sarvan Rajak S/O Ramji Rajak R/O Vill.-Telihar, P.S- Beldour, Dist-
Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bharat Bhushan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2025 Heard Mr. Bharat Bhushan, learned counsel for

the appellant and Mr. Binay Krishna, learned Spl.P.P..

2. With the consent of the parties, both the Cr.

Appeal as also the Interlocutory Application were taken up

for final hearing.

3. The present appeal has been preferred for:

*“setting aside the order dated
10.08.2023 passed by Learned Additional
Session Judge 1st cum Special Judge S.C & S.T.
(POA) Act, Khagaria, in Complaint Case No
32c/2021, whereby and where under the*



learned court has took cognizance against this appellant under section 323, 406, 420, 504, 506 of the IPC and 3 (1)(r), 3(1)(s) of the Schedule Castes and Schedule Tribe (Prevention of Atrocities) Act 2015 and accordingly process has been issued.”

4. As per the prosecution story, the complainant alleged that for a piece of land, altogether 4,69,000/- was handed over to the accused persons but after taking the amount, they chose to look the other way. A petition was filed before the *Gram katchery* and despite the oral order of the ‘*Sarpanch*’, the accused chose not to comply it. The allegation is that in between, when he went to the house of the accused, the complainant was abused taking caste name. The complainant went to the local Police Station but when the case was not lodged, the complaint.

5. The Court took up the matter on 10.08.2023 and after taking note of the allegation as also the statement of the complainant/witnesses, took cognizance in the matter under Sections 323, 406, 420, 504, 506 of the IPC and 3 (1) (r), 3(1)(s) of the Schedule Castes and Schedule Tribe



(Prevention of Atrocities) Act 2015.

6. Aggrieved, the present appeal.

7. Learned counsel for the appellant submits that contrary to the allegation made, the amount stands exaggerated and only to settle the score through criminal case, the present complaint.

8. Learned Spl.P.P. on the other hand opposes the prayer submitting that the fact that transfer of amount has been accepted whether it is a smaller amount or exaggerated does not matter as the case has been lodged after the abuse/threatening that came from the accused side against the complainant which is on criminal side. The complainant being from the lower strata of the society, naturally different sections of the SC/ST Act be attracted beside appropriate Sections of the IPC. The appeal as such is fit to be dismissed.

9. Having gone through the facts of the case as also the submissions of the parties, this Court finds force in the submission of the learned Spl.P.P. It is not a case of transfer of consideration amount, rather the subsequent act of abuse/threatening by the accused persons against the



complainant who belongs to the lower strata of the society.

10. In that background, this Court does not find any error in the order dated 10.08.2023 passed by the learned Additional Session Judge 1st cum Special Judge S.C & S.T.(POA) Act, Khagaria, in Complaint Case No 32c/2021.

11. The present appeal stands dismissed.

(Rajiv Roy, J)

Adnan/-

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