

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1136 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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SURESH MANJHI SON OF KAILASH MANJHI RESIDENT OF
VILLAGE - RAMGARHA (RAMGADHA), P.S. - AWATAR NAGAR,
DISTRICT - SARAN AT CHAPRA (BIHAR)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NITENDRA SINGH SON OF LATE RAM NARAYAN SINGH RESIDENT
OF VILLAGE - ADAMPUR, P.S. - DARIYAPUR, DISTRICT - SARAN AT
CHAPRA (BIHAR)
3. NISHA DEVI WIFE OF NITENDRA SINGH RESIDENT OF VILLAGE -
ADAMPUR, P.S. - DARIYAPUR, DISTRICT - SARAN AT CHAPRA
(BIHAR)
4. JAI KUMAR SINGH SON OF LATE BANSHROPAN SINGH RESIDENT
OF VILLAGE - ADAMPUR, P.S. - DARIYAPUR, DISTRICT - SARAN AT
CHAPRA (BIHAR)
5. TARANA KUMARI DAUGHTER OF NITENDRA SINGH RESIDENT OF
VILLAGE - ADAMPUR, P.S. - DARIYAPUR, DISTRICT - SARAN AT
CHAPRA (BIHAR)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-09-2025

Heard both sides.

2. The present appeal has been filed against the
order dated 04.10.2023 passed in Complaint Case No. 154 of
2022 for the offences under Section 341, 323, 324, 506 of the
IPC and Section 3(i)(r)(s) and 3(2)(va) of the SC/ST Act by the
learned Exclusive Special Judge, SC/ST, Saran at Chapra
whereby and whereunder the complaint petition of the appellant



has been dismissed under Section 203 of the Code of Criminal Procedure.

3. As per complaint petition, the complaint/ appellant is a trader of dry wood who purchases firewood from the nearby area. On 12.07.2022, the complainant/ appellant came at orchard of respondents and saw two dry Shisham Trees. Thereafter, complainant/ appellant went to door of respondent no. 1 for purchasing the said trees and after negotiation both parties (respondent no. 1 and appellant) agreed to settle deal at Rs. 50,000/-. Thereafter, complainant/ appellant paid an amount of Rs. 25,000/- in advance and he told respondent no. 1 that he would come tomorrow i.e. on 13.07.2022 and after paying the rest amount and he would cut the trees. Thereafter, the appellant alongwith three labours reached at the house of respondent no. 1 to pay the remaining amount of Rs. 25,000/- and to cut the trees but respondent no. 2 told that they would not sell the trees at Rs. 50,000/- and demanded Rs. 80,000/- for the same and asked for additional Rs. 55,000/-, before handing over the trees. Thereafter, complainant/ appellant refused to purchase the trees and demanded to return Rs. 25,000/- which he had paid in advance upon which respondent nos. 4 and 5 abused the complainant/ appellant by calling his caste name and exhorted



others to assault him. It is alleged that respondent nos. 1 and 2 assaulted the complainant/ appellant by means of *lathi* and *labda* upon his chest, neck, back and leg indiscriminately while abusing him by his caste name as a result of which complainant/ appellant sustained injuries on several parts of body. It is alleged that respondent no. 4 assaulted the complainant/ appellant by means of leg and shoes and dragged him while abusing the complainant/ appellant by calling his caste name as a result of which complainant/ appellant got injured. Thereafter, complainant/ appellant got treated on 13.07.2022 at Sadar Hospital, Chapra.

4. Learned counsel for the appellant submits that complainant/ appellant is aggrieved by the dismissal order passed by the learned Exclusive Special Judge, SC/ST, Saran at Chapra on the ground of misapplication of the facts as asserted in complaint petition alongwith documents, as contained in Annexure 3 series. He further submits that the learned trial court has not mentioned about any medical prescription of appellant which he has filed regarding his treatment. He further submits that the learned trial court has failed to appreciate the fact that the occurrence took place on road i.e. public place and in public view. He further submits that after going through complainant's



solemn affirmation, evidence of enquiry witnesses and list of documents, *prima facie*, a case is made out against the respondent nos. 2 to 5 under Sections 341, 323, 324, 506 of the IPC and Section 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

5. Learned counsel for the State submits that the learned trial court has passed the appropriate order in the light of the aforesaid facts and circumstances of the case. He further submits that the complainant/appellant has not raised any objection with regard to the opportunity of adducing the enquiry witnesses. He further submits that the concerned court has given all the opportunities for adducing the enquiry witnesses and there is no any grievance of complainant/appellant on the said point. He further submits that the learned trial court has passed the order of dismissal with sound reasoning and it has been specified on the basis of material available on record that the present matter is of civil nature and no documentary piece of evidence was produced regarding transaction of money.

6. From perusal of the order dated 04.10.2023 passed by the learned Exclusive Special Judge, SC/ST, Saran at Chapra in Complaint Case No. 154 of 2022, it appears that the learned trial court has well explained the reasons for which the complaint petition has been dismissed and there is nothing in



impugned order where it is found that the complainant has not been given due opportunity for adducing the evidence. The learned trial court has given the reasoning that the matter relates to Civil nature and after going through material available on record, the learned trial court has found that there is no sufficient material to proceed further and in the light of the facts and circumstances of the case, the complaint petition has been dismissed under Section 203 of Cr.P.C. From the material available on record, it is quite evident that while conducting enquiry, opportunity was given to the complainant/appellant for producing enquiry witnesses and nowhere it is mentioned that the learned trial court has denied the said opportunity.

7. After going through all the materials available on record as well as the order passed by the learned trial court while dismissing the complaint petition, the learned trial court has already recorded that there is no sufficient ground to proceed further. This means that after recording the evidence of complainant and witness, if the learned trial court is not satisfied that there is *prima facie* case, complaint petition can be dismissed.

8. Considering the facts and circumstances of the complaint petition and after going through the order passed by



the learned trial court, I find that there is nothing on record where it reflects that complainant/appellant has not given due opportunity for adducing evidence and the concerned court has already assigned reason for dismissing the said complaint petition and, hence, I find no reason to differ from the impugned order dated 04.10.2023.

9. Accordingly, the present appeal is dismissed at the stage of admission itself.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	10.09.2025.
Transmission Date	10.09.2025.

