

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1345 of 2023**

Arising Out of PS. Case No.-57 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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ARVIND KUMAR @ ARVIND RAM @ ARVIND KUMAR RAM S/O
RAM NAGINA RAM Resident of Village- Mahasi, Post- Umapur, P.S.-
Bhagwanpur, District- Kaimur (Bhabua). Appellant/s

Versus

1. The State of Bihar
2. UMESH DUBEY S/O ADITYA DUBEY Resident of Village- Mahasi, Post-
Umapur, P.S.- Bhagwanpur, District- Kaimur (Bhabua).
3. RISHU DUBEY S/O RAJESHWAR DUBEY Resident of Village- Mahasi,
Post- Umapur, P.S.- Bhagwanpur, District- Kaimur (Bhabua).
4. SUJIT DUBEY S/O RAJESHWAR DUBEY Resident of Village- Mahasi,
Post- Umapur, P.S.- Bhagwanpur, District- Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kumar Sunil, Adv.
For the Respondent/s : Mr.Usha Kumari 1, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 14-07-2025 Heard the parties.

2. The present appeal has been filed for quashing the order dated 20.12.2022, passed in Complaint Case No. 57 of 2022, passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Kaimur (Bhabua), whereby and whereunder the complaint petition filed by the Appellant for committing an offences under Sections 307, 341, 323, 504, 506, 34 of the I.P.C. and Sections 3 (1) (r) (s)/3 (2) (va) of the SC/ST Act was dismissed U/S 203 of Cr.P.C. by holding a mini trial by the court below at the state of enquiry /



investigation and by ignoring the evidences of complaint and the depositions of enquiry witnesses in its true prospective and exhorting illegally from the above charges to the Respondent No. 2 to 4.

3. Initially, the appellant lodged FIR being SC/ST Bhabua P.S. Case No. 11 of 2022, alleging therein that in the morning of 30.04.2022 at 8:00 A.M., the respondent no. 1 and his family members called the appellant and asked about the interruption in water supply, which was done under *Nal Jal Scheme* by the mother of the appellant, who was the then ward member. When the appellant replied that the pipe through which water was flowing, had been damaged by a JCB, and it was the reason for the interruption in the water supply. Thereafter, the appellant abused him by calling his caste name and they assaulted him. The informant suffered injuries on his head. The specific allegation against the respondent no. 1 is that he instigated the other accused persons, whereupon the respondent no. 3 inflicted lathi blow on the head of the informant.

4. After investigation, the investigating authorities did not find the case true and accordingly, they submitted the final form thereafter the matter proceeded on the basis of the Protest Petition filed by the appellant. After jotting down the statement



under Section 313 of the inquiry witnesses and after considering the materials, collected during the course of inquiry, the learned court below did not find substance in the complaint/protest petition and accordingly, it was dismissed under Section 203 of the CrPC by the impugned order.

5. Learned counsel for the appellant has submitted that the enquiry witnesses fully corroborated the allegation and the learned court below did not consider the materials and without applying his mind judiciously, he dismissed the complaint petition. It has further been submitted that the injuries suffered by the appellant was not even paid heed by the learned court below while dismissing the complaint petition.

6. On the other hand, learned counsel for the respondents has submitted that the allegation made in the Protest Petition or the FIR does not disclose the criminal liability under the provisions of the SC/ST Act. Since the occurrence, if it is assumed to be true on the face of record itself, it does not arise due to malicious feelings of caste. There is nothing on the record, which shows that there was any intentional intimidation or humiliation on the part of respondents or his family members. He has further submitted that so far as the allegation of inflicting injuries on the person of



the appellant is concerned, the statements of the enquiry witnesses are not consistent in this regard. The impugned order shows that no kind of paper was submitted by the appellant before the learned court below in support of the allegation.

7. Considering the above-mentioned facts and circumstances, I do not find merit in the present appeal and accordingly, it is *dismissed*.

(Nawneet Kumar Pandey, J)

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