

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1119 of 2019**

Arising Out of PS. Case No.-10 Year-2014 Thana- SC/ST District- Aurangabad

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Munna Mahto @ Munna Prasad Son of Late Suresh Prasad Resident of  
Village - Dihuri, P.S.- Haspura, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Birju Paswan S/O- Late Darwari Paswan Resident of village.- Mahuwara,  
P.S.- Haspura, Dist.- Aurangabad

... .. Respondent/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
ORAL ORDER

9      09-01-2025                      Heard the learned counsel for the appellant and the  
learned Spl P.P. for the State.

2. This appeal has been directed against the order dated 06.02.2019 passed by the learned Special Judge (SC/ST) Act, Aurangabad in connection with SC/ST P.S. Case No. 10 of 2014, by which petition dated 16.07.2018 for discharge under Section 227 of the Cr.P.C. was rejected by the Court below.

3. On the basis of complain petition no. 96 of 2014 filed by the complainant/informant, on 20.03.2014, this case i.e. SC/ST P.S. Case No. 10 of 2014 has been registered for the offences punishable under Section 147, 341, 323, 379 and Section 504 of the Indian Penal Code and under Section 3(i)(x)



of the SC/ST Act.

4. As per the complaint petition, the complainant/informant belongs to Schedule Caste and works as labour for livelihood. On the alleged date of occurrence, accused persons attacked the complainant/informant while he was returning from work and they demanded rupees three thousand yearly and abused the complainant/informant by calling him by his caste name. Accused persons took rupees two thousand from his pocket.

5. It has been submitted by the learned counsel for the appellant that appellant along with 21 others was made accused in this case but the police submitted charge-sheet only against the appellant under Section 504 of the Indian Penal Code and under Section 3(i)(x) of the SC/ST Act. The Court below has taken cognizance on 08.02.2016 against the appellant under Section 504 of the Indian Penal Code and under Section 3(i)(x) of the SC/ST Act.

6. The learned counsel for the appellant has next submitted that the appellant made an application dated 16.07.2018 under Section 227 of the Cr.P.C. to discharge him as the charges against him are groundless. The appellant has falsely been implicated in the present case. In the entire complaint, no



allegation has been made against the appellant except inclusion of the name of the appellant as accused. During investigation, I.O. has not found any legal evidence against the appellant. In the complaint petition, it is clearly mentioned that Yamuna Mahto, Gajadhar Mahto, Manoj Mahto and Sunil Mahto took two thousand rupees from the pocket of the appellant but in re-statement in case diary in paragraph no. 06 the complainant/informant has stated that Munna Mahto has taken rupees two thousand from his pocket which itself is contradictory.

7. The learned counsel for the appellant has next submitted that no offence under Section 504 of the Indian Penal Code and under Section 3(i)(x) of the SC/ST Act is made out against the appellant as per the allegation made in the complaint.

8. Learned Spl. P.P. for the State has opposed the application and has submitted that there is allegation against the appellant of taking money from the complainant/informant, and he has to face prosecution before the Trial Court.

9. I have considered the submissions of the parties and have gone through the records of the case.

10. From the reading of the complaint, it appears that



no specific allegation has been levelled against the appellant. The allegation against the appellant is only ornamental to make him an accused. From the reading of the complaint, it appears that there is no allegation against the appellant that he has done some act against the complainant who belongs to Scheduled Caste and Scheduled Tribe with the intention that it was being done on the ground of caste.

11. Considering the aforesaid, I am of the view that the prosecution of the appellant is an abuse of the process of the Court and is a *mala-fide* prosecution also. More over no offence under the provisions of SC/ST Act is made out against the appellant.

12. Accordingly, this application is allowed and the impugned order dated 06.02.2019 passed by the learned Special Judge (SC/ST) Act, Aurangabad in connection with SC/ST P.S. Case No. 10 of 2014, by which petition dated 16.07.2018 for discharge under Section 227 of the Cr.P.C. was rejected by the Court below is hereby quashed.

**(Sandeep Kumar, J)**

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