

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1813 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- UJIYARPUR District- Samastipur

1. Umesh Sah @ Umesh Kumar Son Of Sone Lal Sah Resident Of Village- Chand Chaur, Mathurapur, Ps- Ujiarpur, Distt-Samastipur
2. Babi Kumari @ Rubi Devi Wife Of Umesh Sah Resident Of Village- Chand Chaur, Mathurapur, Ps- Ujiarpur, Distt-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Arbind Das Son Of Sahdeo Das Resident Of Village- Chand Chaur, Tola- Shiv Nagar Ward No. 12, Ps- Ujiarpur, Distt-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharendra Kumar Jha, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Resp. No. 2	:	Mr. Brajesh Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

8 27-03-2025 Heard Mr. Dharendra Kumar Jha, learned counsel for the appellants and Mrs. Usha Kumari 1, learned Spl. PP for the State as also Mr. Brajesh Sahay, learned counsel represent the respondent no.2.

2. The present appeal has been preferred:

“for quashing the order dated 21.10.2022 passed by the Special Judge, S.C/S.T (P.O.A) Act, Samastipur in T.R No. 1682 of 2023 in connection with Ujiarpur P.S Case No. 65/2022 whereby and where under the learned Special Judge has been pleased to take Cognizance



under Sections 341, 323, 354, 504 and 34 Indian Penal Code and Section 3 (1)(r)(s)/3(2)(Va) of the S.C/S.T (P.O.A) Act and directed for issuance of Summons against accused appellants.”

3. As per the prosecution story, the informant alleged that in the night, the accused persons including the appellant objected to movement of wooden cart through their land, when the informant objected to it that it is a government land, was abused, modesty outraged and caste name was also taken, the informant was taken to the Primary Health Centre, Ujiyarpur for treatment, which followed the F.I.R.

4. The Police investigated the matter and submitted the charge-sheet, cognizance has been taken under sections 341, 323, 354, 504 and 34 of the Indian Penal Code and section 3(1)(r)(s)/3(2)(va) of the SC/ST (P.O.A) Act, which followed the present appeal.

5. Pursuant to the notice, the respondent no.2 has appeared.

6. It is the case of the appellant that a title suit is pending between the parties vide Title Suit No. 147 of 2019 and this led to certain acrimonious situation after which both side have filed case, the present case being Ujiyarpur P.S. Case No.



65 of 2022 while the counter case is numbered Ujiyarpur P.S. Case No. 69 of 2022. He further submits that earlier also a case was there vide Ujiyarpur P.S. Case No. 276 of 2021 by the appellant side. However, since both of them belong to the same place, civil dispute apart, want a peaceful atmosphere so that they could live in a harmonious atmosphere.

7. Learned counsel representing the respondent no.2 on instruction made his submission that though in the present case, the cognizance has been taken, in view of the stand of the appellants that they want to live in harmonious atmosphere and further want to end all the criminal cases lodged between the parties, the Respondent no.2 is also ready to come to terms and both side shall be taking steps by filing joint affidavits so that the three cases, one lodged by the respondent no.2 and the other two lodged by the appellants as recorded above come to an end.

8. This Court would like to record full appreciation for both the learned counsels as also the appellants and the informant (respondent no.2). A dispute arises and the remedy is before appropriate Civil Court. To take the matter on the criminal side definitely makes the situation ugly. In that background, when they have decided to end the acrimony, shall be filing an appropriate affidavit before appropriate court, it is a



welcome step.

9. In that background, learned counsel for the appellants submit that he may be permitted to withdraw the petition so that an appropriate affidavit is filed before an appropriate authority.

10. The Cr. Appeal (SJ) No. 1813 of 2023 is disposed of.

(Rajiv Roy, J)

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