

Arising Out of PS. Case No.-40 Year-2022 Thana- SAHARSA COMPLAINT CASE District- Saharsa

Bilas Sharma @ Bilas Sharma S/o- Late Arjun Sharma Village- Bathnaha Ps-
Basnahi Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sibanshu Shekhar Jha @ Golok Jha son of Late Ramchandra Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa
3. Himanshu Shekhar Jha son of Late Ramchandra Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa
4. Rajiv Kumar Jha son of Late Ramchandra Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa
5. Brahendra Narayan Jha son of Late Bagendra Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa
6. Nitin Kumar Jha son of Brahendra Narayan Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa
7. Vijay Kumar Jha son of Late Ganesh Jha Village- Bathnaha Ps- Basnahi Dist- Saharsa

... Respondent/s

Appearance :

For the Appellant/s : Mr. Amarnath Jha, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-02-2025 Heard Mr. Amarnath Jha, learned counsel for the
appellant and Mr. Sadanand Paswan, learned Spl. P.P.

2. With the consent of the parties, the matter has been taken up.

3. The present appeal has been filed:

against the order dated

12.12.2023 passed by the learned Additional



*Sessions Judge-I - Cum - Special Judge
Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, Saharsa
dismissing the Complaint Case No. 40
C/2022 filed by the present Appellant on
05.04.2022 under sections 147, 148, 149,
323, 379, 504, 34 of I.P.C. as well as under
section 3(10) of SC/ST Act before the 3rd-
cum-Special Judge Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities)
Act, Saharsa under section 203 Cr.P.C.*

4. A complaint petition was filed by the appellant on 05.04.2022 under Section 147, 148, 149, 323, 379, 504, 34 of I.P.C. as well as under section 3(10) of SC/ST Act alleging that a link road was constructed which was not acceptable to the accused persons and it was damaged earlier. Again, in the year 2021-2022, the same was constructed but on 24.03.2022, as the complainant was doing earth work, the accused came with JCB and damaged that road. In the process, he was also abused and caste name taken. When Karanand Thakur tried to pacify, they tried to assault him. This followed the complaint.

5. The Court took up the matter and after taking note



of the witnesses put forward by the complainant came to the conclusion that the complainant is a labour working with Kharanand Thakur who is having dispute with his agnates. Further, the complainant failed to provide any details/khata khesra of the land on which road was constructed. Upon query, whether the complainant had gone for treatment of injury, the answer was in negative. He has also taken note of the other witnesses who accepted that the accused persons are agnates with whom though there is dispute relating to land.

6. In that background, the Court came to the conclusion that prima facie, no case is made out and accordingly, the same was rejected.

7. Aggrieved, the present petition.

8. It is the case of the petitioner that the Court failed to take into account the fact that he was abused by the accused persons by taking caste name and as such, the different Sections of SC/ST Act should have been attracted.

9. Mr. Sadanand Paswan, learned Spl. P.P. submits that a perusal of the facts incorporated by the learned Court clearly shows that the appellant who is working under Kharanand Thakur has been cropped up to institute a case against the agnates who have been named as accused persons.



The law is being abused to settle a civil dispute. In that background, the Court rightly dismissed the petition.

10. Having gone through the facts of the case as also the submissions of the parties, this Court is in full conformity with both the findings of the learned Court as also the submissions put forward by learned APP.

11. The appellant did not even gave the details of the land for which the allegation is that the accused persons came and tried to damage the road, there is no injury report, he has also accepted that he is serving under Kharanand Thakur who is having dispute with the accused persons being his agnate.

12. In that background, the conclusion arrived at by the concerned Court need no interference. Accordingly, the petition stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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