

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2300 of 2019

Arising Out of PS. Case No.-141 Year-2016 Thana- BAHADURGANJ District- Kishanganj

1. HABIB Son of Md. Ibrahim Resident of Village-Phulwari, Ward No.12, P.S.-Bahadurganj, District-Kishanganj.
2. Mukesh Kumar Srivastava @ Mukesh Son of Maheswar Prasad Resident of Village Major Tola, P.S.-Bahadurganj, District-Kishanganj.
3. Ajmal @ Ajmatullah Son of Hasim Resident of Village-Palasmani, P.S.-Bahiya, District-Kishanganj.
4. Rakesh Singh @ Pappu Son of Subodh Prasad Singh Resident of Village-Sarsi, P.S.-Sarsi, District-Purnea.
5. Tanjim @ Tanjim Rahi Son of Md. Tasiumddin @ Taslim Resident of Village-Birnia, P.S.-Bahadurganj, District-Kishanganj.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Rakesh Kumar Basak Son of Jai Kishan Prasad Basak Resident of Veni Ward No.09, Chaupal Tola, P.S.-Bahadurganj, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Radha Mohan Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

8 17-06-2025 Heard the parties.

2. The present application has been filed for quashing of the order dated 22.01.2019 passed by the learned Special Judge, (SC/ST) Act, Kishanganj in connection with Bahadurganj P.S. Case No. 141 of 2016 by which the learned Judge has taken cognizance for the offences punishable under Sections 341, 323, 504, 506 and 34 of the I.P.C and Section 3(i)(C) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act of 1989).



3. As per the prosecution case, the informant, namely Rakesh Kumar Basak, submitted a written application to the Station House Officer (S.H.O.) of Bahadurganj Police Station, stating that on 03.07.2016 at about 09:00 A.M., when he reached near College Chowk, Bahadurganj, all the accused persons stopped his car, forcibly pulled him out and started abusing him by calling his caste name. They physically assaulted him and also snatched cash amounting to Rs. 6,000/-, his gold chain, and a Titan wristwatch. It is further alleged by the informant that the accused persons also threatened him and demanded extortion money (*rangdari*) of Rs.1,50,000/-.

4. On the basis of written complaint of the respondent no.2, the Bahadurganj P.S Case No. 141 of 2016 was registered under sections 341, 323, 504, 506 and 34 of the I.P.C and Section 3(i)(C) of the Act, 1989.

5. From perusal of the F.I.R lodged by the Informant i.e., respondent no.2, it appears that there is general and omnibus allegation against all the accused persons including the appellants. The informant has not stated that which of the accused persons armed with which of the weapon and, on which part of his body sustained injury. The informant has also not made any allegation which comes within the ambit of Act of



1989.

6. It has further been submitted by the learned counsel for the appellants that the learned Court below has taken cognizance against the appellants and, passed the impugned order, which is under challenge in the present application.

7. It has been submitted further by learned counsel for the appellants that no offence under the provisions of the Act of 1989 is made out.

8. Learned Special P.P. and learned counsel for the respondent no. 2 have submitted that the offences under the SC/ST Act are also made out.

9. From the reading of the FIR, it does not appear that the offences have been committed with the intention that the victim belongs to Scheduled Caste category and furthermore, the occurrence has taken place because of land dispute.

10. In these circumstances, I am of the view that the appellants cannot be prosecuted under the Act of 1989. Therefore, the prosecution of the appellants under Sections 3(i) (C) of the Act of 1989 is held to be not maintainable and the same is hereby quashed.

11. Accordingly, the impugned order dated order dated 22.01.2019 passed by the learned Special Judge, (SC/ST)



Act, Kishanganj in connection with Bahadurganj P.S. Case No. 141 of 2016, is hereby quashed only to the extent of taking cognizance against the appellants under Sections 3(i)(C) of the Act of 1989.

12. The prosecution of the appellants under the provisions of the Indian Penal Code shall continue in accordance with law.

13. Accordingly, the application is partly allowed.

(Nawneet Kumar Pandey, J)

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