

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2617 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- COMPLAINT CASE District- Araria

1. MANJU KUMARI W/O- SATINDRA KUMAR @ SATENDRA CHAUDHARY Village- Khairkhan, Ward No. 13, P.S.- Forbesganj, District- Araria
2. SITA RAM CHAUDHARY SON OF LATE HAZARI CHAUDHARY Village- Khairkhan, Ward No. 13, P.S.- Forbesganj, District- Araria
3. SATENDRA CHAUDHARY @ SATINDRA KUMAR SON OF LATE RAMESHWAR CHAUDHARY Village- Khairkhan, Ward No. 13, P.S.- Forbesganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. SUMITRA DEVI W/O- LATE BHUJDEV BAITHA VILLAGE- MAJHUA GOPALPUR, WARD NO. 08, P.S.- FORBESGANJ, DISTT.- ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Rajpati, Advocate Mrs. Durga Kumari, Advocate Mr. Sama Akhtar, Advocate Mrs. Deepmala Kumari, Advocate
For the State	:	Mr. Binay Krishna, A.P.P.
For the Opp. Party No. 2	:	Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 05-05-2025 Heard learned counsel for the parties.

2. This criminal appeal has been filed by the appellants for quashing the order dated 06.10.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Araria whereby the cognizance was taken against the appellants under Sections 341 and 323 of the Indian Penal Code and Section 3(i)(r) of SC/ST



(Prevention of Atrocities) Act.

3. According to the complaint petition, appellant no. 3 was engaged in excavation of a pit by the labourer. The complainant protested whereupon the accused persons abused her by calling her caste name and also assaulted her. The accused persons snatched *Managalsutra* from the neck of one Kanchan Devi.

4. Learned counsel for the appellants has submitted that the husband of the complainant was three brothers, namely, Bhujdev Baitha, Vishnudev Baitha and Ramesh Baitha. The partition had taken place between these three brothers on 15.03.1990. After partition, three brothers continued in occupation to their respective shares. The appellants had purchased the land in question from Rupesh Baitha, son of Vishnudev Baitha, husband of the complainant. After this sale deed is the reason for false implication of the appellants in the present case.

5. Learned counsel has also submitted that it has been settled proposition that if there is bonafide land dispute between the parties, the provisions of SC/ST (Prevention of Atrocities) Act are not attracted.

6. The sale deed executed by the Rupesh Baitha is



Annexure-3 and partition deed between the three brothers is Annexure-2.

7. It appears that there is bonafide sale deed between the parties, the provisions of SC/ST (Prevention of Atrocities) Act are not attracted.

8. It is a case of pure civil nature and it is nothing but misuse of process of law.

9. Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 06.10.2023 is set aside.

(Nawneet Kumar Pandey, J)

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