

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4111 of 2018

Arising Out of PS. Case No.-1 Year-2017 Thana- SC/ST BAGHA District- West Champaran

1. Nasim Akhtar Son of Nabi Hussain
2. Nadim Akhtar Son of Nabi Hussain null
3. Nabi Hussain S/o Late Mansoor Ansari All Resident of Village-Jamadar Tola,P.S. Chautarwa,Distt.-West Champaran
4. Md. Mustaque S/o Late Md. Manir Ansari Resident of Village-Marwari Tola Bagaha Bazar,Ward No.28,P.S. Bagaha,Distt.-West Champaran

... .. Appellant/s

Versus

1. State Of Bihar
2. Ram Pravesh Ram S/o Late Mundirka Ram Resident of Village-Jamadar Toal,P.S. Chautarwa,Distt.-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Respondent/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 13-11-2025 Heard the learned counsel for the petitioner and the learned counsel for the State. Despite valid service of notice, none appeared on behalf of the Respondent No. 2.

2. The present appeal has been filed for quashing the order dated 16.08.2018 passed by the 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in Bagaha SC/ST P.S. Case No. 01 of 2017 by which cognizance has been taken against the appellants under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.



3. Brief facts of the case are that a written report was filed by one Ram Pravesh Ram against the appellants on 21.03.2017 and on the aforesaid written report, Bagaha SC/ST P.S. Case No. 01 of 2017 was instituted. The allegation against the appellants is of assaulting the informant and abusing him. After investigation, final form was submitted against the appellant Nadim Akhtar and Nabi Hussain for the offence under Sections 341, 323, 504, 506/34 of the IPC and under Sections 3(i)(r) of the SC/ST Act.

4. It has been submitted by the learned counsel for the appellants that the appellants have committed no offence and they have falsely been implicated in the present case due to malicious motive. It is next submitted by the learned counsel for the appellants that the appellants neither abused the respondent no. 02 by taking his caste name nor assaulted him as has been alleged in the FIR against appellant rather allegations levelled in the FIR against the appellants are false, fabricated and concocted merely with view to harass the appellants. He further submits that the present case filed by the respondent no. 02 against the appellants is a malicious prosecution and he is taking benefit of being SC/ST caste rather no such type of occurrence has ever taken place as alleged in the FIR.



5. He further submits that except the mala fide intension of respondent No.2, no other evidence came against the appellant and from the perusal of facts of the case, no case U/s 341,323,504, 506/34 of the I.P.C. and 3 (i)(r) of SC/ST (PoA) Act, 1989 is made out against the appellants. The Court below took cognizance U/s 341, 323, 504, 506/34 of the I.P.C. and 3 (i)(r) of SC/ST (POA) Act, 1989 against the appellants and has acted without any cogent material in most arbitrary manner. The Court below did not consider all these materials which are available on the record and the impugned order has been passed without application of mind in a mechanical manner.

6. The learned counsel for the appellants has relied upon the various judgments of the Hon'ble Supreme Court in the case of ***Gorige Pentaiah V/s State of A.P. & Ors.***, reported in ***(2008) 12 SCC 531***, ***Hitesh Verma V/s State of Uttarakhand & Anr.***, reported in ***(2020) 10 SCC 710***.

7. The learned counsel for the State has vehemently opposed the prayer of the appellants and has submitted that the impugned order taking cognizance is a reasoned order and the same should not be interfered with.

8. I have heard and considered the submissions of the



parties and have also gone through the records of the case.

9. The Hon'ble Supreme Court has repeatedly been holding that the mala-fide prosecution should be quashed at the very initial stage when the prosecution amounts to abuse of the process of the court.

10. The Hon'ble Supreme Court in the case of ***Hitesh Verma (supra)*** has held that mere insulting or intimidating a person belonging to the Scheduled Castes or Scheduled Tribes shall not constitute an offence under the Act unless such insult or intimidation is shown to have been committed specifically because of the victim's caste status. The Court emphasized that the Act is intended to protect vulnerable sections from caste-based atrocities and indignities and that prosecution under the Act must satisfy this essential threshold.

11. The Hon'ble Supreme Court in the case of ***Gorige Pentaiah(supra)*** has held that for invoking the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the complaint must disclose essential ingredients clearly, including that the accused is not a member of the Scheduled Castes or Scheduled Tribes and that the offence has been committed with an intent to humiliate, intimidate, or cause harm specifically because of the victim's



caste status.

12. In the present case, from the reading of the FIR it appears that the dispute between the parties has not been committed solely because of the caste of the informant.

13. In view of the discussions made above, the appeal stands allowed and accordingly the impugned order 16.08.2018 passed by the 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, taking cognizance is hereby quashed.

(Sandeep Kumar, J)

Shishir/-

U			
---	--	--	--

