

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3343 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- LAKHNAUR District- Madhubani

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1. RAMSEWAK SINGH SON OF RAM SANJEEVAN SINGH RESIDENT OF VILLAGE - DAIYA, KHARWAR, P.S. - LAKHNAUR, DISTRICT - MADHUBANI
 2. GHANSHYAM SINGH @ TUNNA SINGH SON OF RAMSHANKAR SINGH RESIDENT OF VILLAGE - DAIYA, KHARWAR, P.S. - LAKHNAUR, DISTRICT - MADHUBANI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. ASHA DEVI WIFE OF LAKHAN SADAY RESIDENT OF VILLAGE - DAIYA, KHARWAR, P.S. - LAKHNAUR, DISTRICT - MADHUBANI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saurav Anand
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 17-06-2025 Heard the parties.

2. This appeal has been preferred against the order dated 22.05.2023 passed by learned A.D.J-Ist-cum-Special Judge, Madhubani in Lakhnaur P.S. Case No. 156 of 2022 (GR No. 91 of 2022) whereby and whereunder cognizance has been taken for the offence under Sections 341, 323, 354A, 427, 504, 506/34 of IPC and 3(i)(r)(s)(w)/3(2)(va) of SC/ST (Prevention of Atrocities)Act, 1989.

3. The informant, Asha Devi, makes allegation that the appellants assaulted her and snatched a silver chain along with other articles from her house. They abused her by calling



caste name and threatened her to migrate from the village, failing which, she would be subjected to harassment. The reason behind the occurrence, according to the informant, is that her father-in-law had built a house on Plot No. 1053 (old) and Plot No. 1427/3014 (new) and the accused persons were not allowing her to repair her dismantled house.

4. Learned counsel for the appellants has submitted that land dispute is pending between the parties. As a matter of fact, Plot No. 1427/3014 (new) is *raiyati* land belonging to the appellants and the informant along with her family members are attempting to grab that land and to make pressure upon the appellants, a false and frivolous case has been filed. The FIR itself shows that the occurrence did not take place due to malicious feeling of castes rather, the land dispute is behind the false implication of the appellants. In the supplementary affidavit filed by the learned counsel for the appellants, it has been mentioned that in the revisional survey, the land has been recorded in the *raiyati* column, and accordingly, Plot No. 1427/3014 (new) and Plot No. 3012, measuring an area of 9 decimals, belonged to the appellants. The State of Bihar has wrongly issued a *Basgit Parcha* in favour of the informant and she is claiming that land which was belonging to the appellants,



on the basis of that *Basgit Parcha*. Learned counsel has further submitted that all other sections, except the provisions of the SC/ST Act, are bailable in nature.

5. The *Vakalatnama* has been filed on behalf of the informant, but none appeared on her behalf.

6. It appears that there is a land dispute between the parties and from perusal of the FIR, it transpires that the occurrence did not take place due to malicious feeling of castes. As such, the provisions of the SC/ST (Prevention of Atrocities) Act are not attracted.

7. Considering the aforementioned facts and circumstances, I do not find merit in the impugned order dated 22.05.2023 passed by learned A.D.J-Ist-cum-Special Judge, Madhubani in Lakhnaur P.S. Case No. 156 of 2022 (GR No. 91 of 2022) which is accordingly quashed and the appeal is allowed.

(Nawneet Kumar Pandey, J)

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