

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3261 of 2019

Arising Out of PS. Case No.-3 Year-2015 Thana- SC/ST District- Bhojpur

AKHILESHWAR PRASAD SINGH @ AKHILESH PRASAD @
AKHILESH PRASAD SINGH S/o Ram Chandra Singh Resident of Village-
Katra Basantpur, P.S.- Ara Muffasil, District- Bhojpur, at present Headmaster
of Middle School, Katara Basantpur, P.S.- Ara Muffasil, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manindra Kishore Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 27-01-2025 Heard the parties.

2. This appeal has been preferred against the order dated 28.06.2019 as well as order dated 2.9.2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in SC/ST Case No. 65 of 2016 arising out of SC/ST P.S. Case No. 03 of 2015 by which the discharge application of the appellant has been rejected.

3. As per the prosecution case, the informant was the elected Secretary of the School Committee for supervision of the Food Scheme of children and also was keeping a close eye on the expenses of money granted by the government for the said scheme. It is alleged that the appellant, being the headmaster was annoyed from the actions of the informant and has tortured her and insulted her because of her being a member



of scheduled caste category and therefore she has filed the present case.

4. It has been submitted on behalf of the appellant that the police has submitted chargesheet/final form on 20.04.2015 and the cognizance was taken by the concerned Magistrate on 27.08.2015 in a mechanical manner without perusal of the materials available on the record.

5. It has further been submitted by the learned counsel for the appellant that the appellant has also filed an application for discharging him from the charges of SC/ST Act but the same has also been rejected by the learned Special Judge on 28.06.2019 without considering the material facts of the same.

6. It has further been submitted by the learned counsel for the appellant that the learned Special Judge has failed to appreciate the fact that not a single witness or any member of Vidyalaya Shiksha Samiti has supported the allegation and from the perusal of the case diary, no case is made out against the appellant under SC/ST Act.

7. It has further been submitted by the learned counsel for the appellant that because of the non-cooperation from the informant in the meeting of Samiti, the work of the



Samiti was hampered and when others members raised objection, she threatened the appellant to implicate him in false case.

8. Learned counsel for the State as well as learned counsel for the informant have opposed the application of the appellant and have submitted that the offence under SC/ST Act are made out against the appellant and since the case is made out against the appellant, he cannot be discharged.

9. I have considered the submission of the parties.

10. From the reading of the FIR and from the materials available on record, it appears that the appellant was the headmaster of the school and the informant is the member of the School Committee and the allegations levelled against the informant have not been supported by a member of the school committee.

11. From the reading of the FIR, it also appears that the offence has not been committed with the informant with the intention that it was being done on the ground of caste.

12. In the opinion of this Court, the prosecution of the appellant under the SC/ST Act appears to be mala fide and the same has been initiated by the informant only to make the case serious and non-bailable.



13. In view of the discussion made above and in view of the law laid down by the Hon'ble Supreme Court in the cases of *Dashrath Sahu vs. State of Chhattisgarh* reported in *2024 SCC OnLine SC 72* and *State of Haryana & Ors. vs. Bhajan Lal & Ors.* reported in *1992 Supp(1) SCC 335*, this appeal is allowed.

14. Accordingly, the impugned orders dated 28.06.2019 and 2.9.2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in SC/ST Case No. 65 of 2016 arising out of SC/ST P.S. Case No. 03 of 2015 by which the discharge application of the appellant has been rejected, are hereby quashed.

(Sandeep Kumar, J)

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