

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4181 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- LAKHISARAI District- Lakhisarai

1. Sanjay Kumar Son of Naval Singh @ Naval Kishor Singh Resident of Village- Mankatha, P.S.- Lakhisarai, District- Lakhisarai.
2. Rishi Raj Kumar @ Rishi Singh Son of Naval Singh @ Naval Kishor Singh Resident of Village-Mankatha, P.S.-Lakhisarai, District-Lakhisarai.
3. Ramjee Singh Son of Harihar Singh Resident of Village-Mankatha, P.S.- Lakhisarai, District-Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sourabh Kumar Narayan Paswan R/o Village- Mankatha, P.S.- Lakhisarai, Dist.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Parmanand Pd. Nr. Sahi, Advocate
For the State	:	Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 07-01-2025 Heard learned counsel for the appellants and learned Special P.P. for the State.

2. The present application has been filed for quashing the order dated 28.05.2019 passed in Lakhisarai P.S. Case No. 151/18, SC/ST Reg. No. 45 of 2018 by which the learned court of Special Judge SC/ST, Lakhisarai has taken cognizance of the offences under Section 447, 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act and issued summon to the appellants for their appearance.

3. As per the prosecution case, the informant Sourabh Kumar gave statement to local police on 11.04.2018 alleging therein that six persons named in the FIR came to the place of



occurrence and abused the informant. The accused Binay Singh assaulted the informant by means of pistol. The accused Nawal Singh assaulted the informant with lathi. When the informant raised hulla, his father came to save him and he was also assaulted. The informant went for medical assistance and there after the case was lodged.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in this case due to personal grudge and animosity and the police after investigating the case vide Charge Sheet No. 669/18 dated 26.12.2018 has submitted charge sheet against the appellants but the accused persons namely, Binay Singh, Nawal Singh and Karu Singh were not sent up for trial.

5. 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.

6. It has been submitted further by learned counsel for the appellants that no offence under the SC/ST Act is made out.

7. 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.



8. 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 the occurrence has taken place because of land dispute.

9. In these circumstances, I am of the view that the appellants cannot be prosecuted under SC/ST Act. Therefore, the prosecution of the appellants under Sections 3(1)(r)(s) of the SC/ST Act is held to be not maintainable and the same is hereby quashed.

10. Accordingly, the impugned order dated 28.05.2019 passed by the learned Special Judge SC/ST Lakhisarai in Lakhisarai P.S. Case No. 151/18, SC/ST Reg. No. 45 of 2018 is hereby quashed only to the extent of taking cognizance against the appellants under Sections 3(1)(r)(s) of the SC/ST Act.

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

12. Accordingly, the application is partly allowed.

(Sandeep Kumar, J)

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