

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4672 of 2019

Arising Out of PS. Case No.-39 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

Md. Raza @ Md. Raja S/o Md. Ayuba R/o- Bazitpur, P.S.- Muffasil, District- Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rinku Devi W/o Bipin Paswan R/o Village- Bazitpur, P.S.- Muffasil, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey, Advocate

For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

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

2. The present appeal has been filed for quashing the order dated 09.08.2019 passed by learned court of Special Judge SC/ST (POA)Act, Begusarai in Complaint Petition No. 39 'c' of 2017 for the offence alleged under Sections 323, 379, 427 of the Indian Penal Code and Sections 3(i)(x)of SC/ST(POA) Act.

3. As per the prosecution case, the complainant was living in his hut which was made on her own land and when she tried to start construction on the land in question, the accused person named in the complaint petition came and started abusing her and also destroyed her hut. It is further alleged that



Md. Raja took Rs. 7,50,000/- from the small trunk of the informant which she kept to construct the house and also told that if she say to any one about the incident, they will kill her. Md. Shajad, Md. Ajhar, Md. Jamil destroyed the pillar and when Rinku Devi and her sister in law tried to stop them, they assaulted her.

4. It has been submitted by learned counsel for the appellant that from the records of the case, there is nothing except the dispute with respect to the land as admitted by the witnesses of the complaint itself.

5. It has further been submitted that after going through the evidence of the witnesses in the examination under section 244 of the Cr.P.C., it has come that the P.W.- 1 who is Mahendra Paswan (Bhaisur) of the complainant has admitted the fact that the land dispute between the parties is going on but he does not know for which land the dispute is going on, although in the Examination-in-Chief, he has stated the factum of the complaint case.

6. From reading of the complaint, it appears that the present complaint has been filed because of pending land dispute between the parties and the offence has not been committed with an intention that the victim belongs to the



Scheduled Caste category.

7. This kind of *mala fide* prosecution should not be allowed to continue in view of the law laid down by the Hon'ble Supreme Court in the case 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**.

8. This application is allowed.

9. Accordingly, the order dated 09.08.2019 passed by learned court of Special Judge SC/ST (POA)Act, Begusarai in Complaint Petition No. 39 'c' of 2017 and all consequential proceedings arising out of the aforesaid complaint case is hereby quashed.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

