

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5211 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- PIRI BAZAR District- Lakhisarai

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1. Gyan Mandal S/o- Late Bino Mandal Village- Bariyarpur, P. S. - Piribazar, District- Lakhisarai.
 2. Mithun Kumar S/o- Gyan Mandal Village- Bariyarpur, P. S. - Piribazar, District- Lakhisarai.
 3. Bhawesh Kumar @ Guddu Kumar S/o- Indradeb Mandal Village- Bariyarpur, P. S. - Piribazar, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manohar Kumar S/o- Late Umesh Paswan R/o- Saidpura Ps-Surajgarha Dist- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2025 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 18.10.2024 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge SC/ST Act, Lakhisarai, in A.B.P. No. 1058/2024 in connection with Piribazar P.S. Case No. 102/2024 registered under Sections 318(4), 319(2), 351, 352 and 3(5) of the BNS and Sections 3(i)(r)/3(1)(s) of the SC/ST (POA) Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice appears served to respondent no. 2 and informant joined the present Court proceedings.

5. Allegation against appellant is to cheat informant as he paid Rs. 1,41,000/- against bill of Rs. 6,50,000/- and when demand for aforesaid balance amount was raised by informant, he misbehaved and abused informant by using caste name. It is further alleged that subsequently compromise was made between the parties, where appellant admitted to pay the balance amount till February, 2024, but still same remains unpaid. Informant claimed facing severe financial hardship due to aforesaid non-payment.

6. Learned counsel appearing for the appellant submitted that primarily allegation suggest civil dispute between the parties for which present criminal case is totally un-occasioned and unwarranted. It is submitted that without proper supply of goods the bill was raised by the appellant and for the same, dispute is pending between the parties. It is also pointed out that allegation of mishandling and abusing with



caste name not appears convincing on its face and is appearing very much general and omnibus. While concluding the argument learned counsel submitted that appellant is a man of clean antecedent.

7. Learned Special P.P. duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that due to non-payment of aforesaid amount informant is facing severe financial hardship and her sister's marriage is also stuck. It is pointed out that desired goods were supplied properly.

8. Let it be so, considering the nature of allegation which prima-facie suggests civil dispute between the parties, where allegation *qua* mishandling and abusing by caste name appears very much general and omnibus, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1-cum-Special Judge SC/ST Act,



Lakhisarai/concerned Court, where the case is pending in connection with A.B.P. No. 1058/2024 in connection with Piribazar P.S. Case No. 102/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 18.10.2024 as passed through A.B.P. No. 1058/2024 is hereby set aside/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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