

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5907 of 2019**

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Buxar

-
-
1. Chhattu Lal, Male, aged about 22 years.
 2. Mantu Lal, Male, aged about 25 years.
 3. Chintu Lal @ Pintu Lal, Male, aged about 19 years.
- All are sons of Gauri Shankar Lal @ Gauri Shankar Srivastava,
Resident of Village - Banarpur, P.S.- Buxar Mufassil, District- Buxar

... .. Appellants

Versus

1. The State of Bihar
2. Duryodhan Ram Son of Late Kishori Ram, Resident of Village - Banarpur,
P.S.- Buxar Mufassil, District- Buxar

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Parijat Saurav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp. P.P.
For the Respondent no.2	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-01-2025 Heard learned counsel for the appellants, learned

Sp. P.P. for the State and learned counsel for the respondent

no.2.

2. This appeal is filed against the order dated

25.10.2019 passed by the learned Additional District Judge,

Buxar, in C.I.S. Spl. (S.C./S.T.) - 72 of 2019, arising out of

Buxar SC/ST P.S. Case No.10 of 2019, whereby and

whereunder the learned Additional District Judge has taken

cognizance against the appellants for the offence under sections

341, 323, 504, 506/34 of the Indian Penal Code and under



section 3(1)(r) and (s) of the Scheduled Castes and the Scheduled extent and Tribes (Prevention of Atrocities) Act.

3. As per the F.I.R., on 02.08.2019 the informant, who is a labourer, was washing a motorcycle of one Barak Tiwary by using a pipe and when the appellant no.1 was passing through the road on a motorcycle water from the pipe was sprinkled over the appellant no.1. upon which, the appellant no.1 got angry and abused the informant by denoting his caste name but local people intervened in the matter and saved the informant. Thereafter, the informant went to his house. It is alleged that on the same day at about 11:00 A.M. when the informant went to attend the nature's call, all the appellants came there and surrounded him and thereafter started abusing him by denoting his caste name and also assaulted him. When the informant raised alarm, the local people came and on seeing them the accused persons fled away.

4. Learned counsel for the appellants submits that the appellants are innocent and have not committed any offence as alleged in the F.I.R. He further submits that the informant has concocted the entire prosecution story on account of a trivial issue.

5. Learned counsel for the appellants further



submits that the correct fact is that on the date of incident the informant was in drunken condition and he was carelessly washing the motorcycle by using a pipe and when the appellant no.1 was crossing through the road on a motorcycle the informant intentionally turned the face of the pipe towards the appellant no.1, as a result of which, the appellant no.1 lost the balance and fell down and sustained injuries. When the appellant no.1 scolded the informant, the informant became aggressive and on that account there was a small scuffle between them and because of this trivial issue, the informant lodged the present F.I.R. by misusing the provisions of the SC/ST Act and has cooked up the false story that the brothers of the appellant no.1 also abused and assaulted him.

6. Learned Spl. P.P. appearing for the State and learned counsel for the respondent no.2 have opposed the application and have submitted that no case of quashing is made out.

7. I have considered the submissions of the parties and gone through the records including the F.I.R. It appears that the occurrence took place due to a trivial dispute and because of the same some false allegations have been levelled against the appellants under the provisions of the SC/ST



Act. The occurrence has not taken place because of the fact that the victim belongs to the scheduled caste or scheduled tribes category. In these circumstances, the essential ingredients of section 3(i)(r) and (s) of the SC/ST Act are absent in the present case and therefore, the prosecution of the appellants under the provisions of the SC/ST Act is held not sustainable.

8. Accordingly, the impugned order dated 25.10.2019 passed by the learned Additional District Judge- I, Buxar, is quashed only to the extent of taking cognizance against the appellants under section 3(1)(r) and (s) of the SC/ST Act. However, the prosecution of the appellants under sections 341, 323, 504 and 506/34 of the Indian Penal Code same shall continue in accordance with law.

9. With the aforesaid observations and directions, this appeal is partly allowed.

(Sandeep Kumar, J)

pawan/-

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

