

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.580 of 2024

Arising Out of PS. Case No.-51 Year-2018 Thana- ARIYARI District- Sheikhpura

1. ARJUN CHAUHAN, SON OF RAMESHWAR CHAUHAN @ RAMESHWAR CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
2. RAJESH CHAUHAN, SON OF RAMESHWAR CHAUHAN @ RAMESHWAR CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
3. MUKESH CHAUHAN, SON OF RAMESHWAR CHAUHAN @ RAMESHWER CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
4. RAMESHWAR CHAUHAN @ RAMESHWER CHAUHAN, SON OF LATE KEDAR CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
5. RAGHUNANDAN CHAUHAN @ RAGHUNI CHAUHAN, SON OF LATE KEDAR CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
6. RABINDRA CHAUHAN @ BUNDAR CHAUHAN, SON OF LATE KEDAR CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA
7. MITHILESH CHAUHAN, SON OF RABINDRA CHAUHAN RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. DINESH PRASAD SINGH @ DINU SINGH SON OF LATE JAGO SINGH RESIDENT OF VILLAGE- BIMAN TOLA HARDIYALPUR, PS- ARIYARI, DISTT- SHEIKHPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar
For the State : Mr. Akshay Lal Pandit
For respondent no. 2 : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 13-03-2026 1. Heard learned Counsel for the appellants, learned Counsel
for the respondent no. 2 and learned Additional Public
Prosecutor for the State.



2. The present appeal has been filed for quashing the order, dated 18.12.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Sheikhpura, in connection with SC/ST Case No. 56 of 2018, arising out of Ariyari Police Station Case No. 51 of 2018, dated 03.04.2018, registered for the offences punishable under Sections 147/148/149/323/342/379/385/504 of the Indian Penal Code and Sections 3 (2) (va)/3 (1) (r) (s) [sic. 3 (R) (S)] of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the learned Special Judge has rejected the prayer for discharge filed by the appellants.
3. The prosecution case, as per the First Information Report lodged by one Dinesh Prasad Singh on 03.04.2018, is that the informant was the caretaker of the land belonging to Kaushlendra Kumar Singh and his brothers, situated at mouza Biman, Thana No. 260. On 22.03.2018, at about 5 AM, when the informant had gone to the field for harvesting the crops, he saw that appellants were harvesting and taking away the crops standing there. On protest, the accused persons demanded rangdari of Rs. 40,000/- per annum. It was further alleged that the



appellants/accused persons abused one of the labourers, Rajendra Ram, by calling his caste name. Due to the threats made by the appellants, the labourers working in the field fled away. The appellants/accused persons took away the crops standing over two bighas of land worth Rs. 8,500/-.

4. Learned Counsel for the appellants submits that the First Information Report has been lodged in order to settle the land dispute between the informant's landlord and the appellants. The disputed land falls in Khesra No. 800 and Khesra No. 800 is not the land for cultivation; rather, the same is pyne, from where water is flowing. Title Suits are also pending between the landlord of the informant and the appellants, having Title Suit Nos. 78 of 2019 and 27 of 2021. The First Information Report has been lodged after a delay of about 12 days from the date of occurrence without any plausible reason.
5. During the course of investigation, no material has come against the appellants to connect them with the offences under Sections 3 (2) (va)/3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, or any other sections alleged under the



provisions of the Indian Penal Code. In course of investigation, all the witnesses have said that a false case has been lodged against the appellants. The victim, Rajendra Ram, who allegedly belongs to Schedule Caste category, was not testified during course of investigation and his statement was not record.

6. The victim, Rajendra Ram, has filed a petition before the learned Special Judge stating therein that a false case has been lodged under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, involving him due to the land dispute.
7. Accordingly, the submission is that there is no *prima facie* material on record to frame charges against the appellants.
8. On the other hand, learned Counsel for the respondent no. 2 and learned Additional Public Prosecutor for the State oppose the prayer of the appellants and submit that on the basis of supervision note, the report of the Circle officer, Ariyari and the documents of land, the occurrence and the allegation against the appellants were found true. The appellants abused Rajendra Ram, who is a member of Schedule Caste category by calling him by his caste name



and threatened him with fire arms and they also looted crops, which was standing on the land.

9. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the case diary.

10. From perusal of the case diary, it appears that majority of the witnesses have said that a false case has been lodged due to the land dispute except the informant. The victim, Rajendra Ram, has not been examined by the Police during course of investigation and nowhere he has supported the prosecution case.

11. Even assuming that the victim Rajendra Ram was abused by his caste name, but the same was not in full public view, with an intention to denigrate the prestige of the victim Rajendra Ram.

12. Allowing the prosecution to continue in the facts of the present case, in my opinion, shall cause unnecessary harassment to the appellants in abuse of the process of court. There is admitted land dispute between the side of the informant and the appellants. No *prima facie* material is available on record to frame charges against the appellants.



13. Accordingly, I come to the conclusion that the impugned order, dated 18.12.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Sheikhpura, in connection with SC/ST Case No. 56 of 2018, arising out of Ariyari Police Station Case No. 51 of 2018, is not sustainable and is hereby set aside. The entire prosecution against the appellants is also quashed.

14. In the result, this appeal is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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