

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1118 of 2022

Arising Out of PS. Case No.-621 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. RAJ KUMAR MAHTO Son of Sonai Mahto Resident of Village - Madhepur East , P.O.- Madhepur, P.S.- Madhepur, Distt.- Madhubani.
 2. Om Prakash Mahto @ bablu Mahto Son of Raj Kumar Mahto Resident of Village - Madhepur East , P.O.- Madhepur, P.S.- Madhepur, Distt.- Madhubani.
 3. Ravindra Mishra Son of Sukhdev Mishra Resident of Village - Madhepur East , P.O.- Madhepur, P.S.- Madhepur, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Punama Devi W/o Ram Udgar Pasi @ Ram Udgar Mahto Resident of Village - P.O.- and P.S.- Madhepur, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ratanakar Jha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-02-2026 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the Opposite Party No. 02.

2. This appeal has been preferred for quashing the order dated 26.02.2021 passed by the learned Additional Sessions Judge-1st -cum-Special Judge (SC/ST Act), Madhubani in Complaint Case No. 621/2018 whereby and whereunder learned Sessions Judge took cognizance of the offences against the appellants under Sections 341, 323, 406 of



the Indian Penal Code and Sections 3(r)(xi) of SC/ST Act.

3. As per the prosecution case, complainant's son Mahadeo Mahto worked as a wage laborer on accused No.01's tractor for 1½ years due to poverty. When wages were in arrears and payment was demanded, the accused conspired and on July 30, 2018, took the complainant's son to a lonely place where he was fatally thrashed by tractor, resulting in his death.

4. It has been submitted by the learned counsel for the appellants that the appellants have falsely been implicated in this case and no offence is made out against the appellants under the SC/ST Act.

5. Learned Spl. P.P. for the State has opposed the prayer of the appellants and has supported the impugned order.

6. I have gone through the order taking cognizance and from the same it appears that the present case has been filed because of personal enmity and the provisions of the SC/ST Act have been misused. So from the allegations levelled against the accused persons, it appears that the dispute is with regard to non-payment of wages and no offence has been committed with the informant's son who belongs to Scheduled Caste with an intention that it was being done on the ground of caste.

7. In view of the above, the prosecution of the



appellants is malafide and the same cannot be allowed in view of the law laid down by the Hon’ble Supreme Court in the cases 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. Accordingly, this application is allowed and the order dated 26.02.2021 passed by the learned learned Additional Sessions Judge-1st -cum-Special Judge (SC/ST Act), Madhubani in Complaint Case No. 621/2018 and all consequential proceedings arising out of the same are hereby quashed.

(Sandeep Kumar, J)

tusharika/-

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

