

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1408 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- SC/ST District- Darbhanga

SURAJ THAKUR Son of Late Awadh Thakur Resident of village - Jalley,
P.S.- Jalley, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Mallik Son of Singheshwar Mallik Resident of village - Jalley, P.S.-
Jalley Haat, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Iqbal Asif Niazi, Advocate
For the State	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

19 02-02-2026 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. Since Mr. Kedar Jha, learned Advocate had appeared for the same informant in Cr. Appeal (SJ) No. 1365/2022, he requested this Court to argue this case and he is allowed to do the same.

3. This appeal has been preferred for quashing the order dated 26.11.2021 passed by the learned Additional Sessions Judge-1st -cum-Special Judge (SC/ST {P.O.A} Act), Darbhanga in SC/ST G.R. Case No. 35/2021 arising out of Darbhanga (Sadar) SC/ST P.S. Case No. 12/2021 whereby and whereunder cognizance of the offences under Sections



341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s), 3(2)(va) of SC/ST Act has been taken against the appellant and five others.

4. As per the prosecution case, on February 7, 2021, co-accused Suraj Thakur dragged the informant's sister Gudiya Kumari (19 years) toward his car. When the informant intervened, all named accused and 4-5 unknown armed persons arrived, abused him by caste name, and assaulted him and his family members with deadly weapons.

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

6. Learned Spl. P.P. for the State has opposed the prayer of the appellant and has supported the impugned order.

7. 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 no offence has been committed with the informant who belongs to Scheduled Caste with an intention that it was being done on the ground of caste.



8. In view of the above, the prosecution of the appellant 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***.

9. Accordingly, this application is allowed and the order dated 26.11.2021 passed by the learned Additional Sessions Judge-1st -cum-Special Judge SC/ST (P.O.A) Act, Darbhanga in SC/ST G.R. Case No. 35/2021 arising out of Darbhanga (Sadar) SC/ST P.S. Case No. 12/2021 and all consequential proceedings arising out of the same are hereby quashed.

(Sandeep Kumar, J)

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