IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2372 of 2025

CNR No. BRHC010576492025

Arising Out of PS. Case No.-53 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

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Krishna Singh @ Krishna Ram S/O Ram Ratan Jee @ Budhan Ram R/O Village- Turi Kala @ Turi Bujurg, PS- Magadh University, Distt-Gaya

... ... Appellant/s

Versus

1. The State of Bihar
2. Indradeo Paswan S/O Late Ram Lagan Paswan R/O Village- Turi Buzurg, PS- Magadh University, Distt-Gaya

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Kajal, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Resp. No.2	:	Mr. Rakesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

9 29-10-2026 Heard learned counsels for the parties.

2. The instant appeal has been preferred by the appellants under Section 14A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, seeking to quash the order dated 24.06.2020 passed by the learned Special Judge, SC/ST Act, Gaya, in M.U. P.S. Case No. 53 of 2017 whereby and whereunder cognizance has been taken against the appellant for the offences punishable under Sections 435 and 427 of the Indian Penal Code (in short 'IPC') and Sections 3(1)(f) and 3(1)(g) of the SC/ST Act.

3. Mr. Ajay Kumar Thakur, learned counsel appearing

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for the appellant, referring to the statements of two material witnesses, namely, Raju Yadav and Gariban Prasad, recorded in the case diary, submits that the alleged offences punishable under Sections 435 and 427 of the IPC and Sections 3(1)(f) and 3(1)(g) of the SC/ST Act, of which cognizance has been taken, are not attracted even *prima facie*, as the essential ingredients to constitute these offences are not available in the present matter. Learned counsel for the appellant submits that the FIR itself goes to show that the informant was not an eyewitness to the commission of the alleged mischief by fire. He merely alleged that upon seeing the fire in his field, when he reached there, he found the appellant standing there. Upon being asked about the reason for causing the fire, the appellant did not give any response and merely on account of this conduct of the appellant, the informant suspected that the appellant had intentionally set fire to his field, thereby causing damage to eighty Sagwan trees belonging to the informant and resulting in heavy loss to him. It is further submitted that during the investigation, the Investigating Officer inspected the place of occurrence and recorded details of its boundaries, which show that the lands situated on all four sides of the place of occurrence belong to different persons and not to the appellant. Two important

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witnesses, namely, Raju Yadav and Gariban Prasad, stated before the Investigating Officer that upon hearing a commotion, they went to the place of occurrence and noticed that the appellant himself was trying to douse the fire. They further stated that the appellant's barren land was situated beyond a portion of land separating it from the informant's land, and there were unused weeds (Khar Patwar) which had been set on fire by the appellant for agricultural purposes. The fire consequently spread to the informant's field, thereby setting the informant's Sagwan trees on fire. Learned counsel submits that in view of the statements of the material witnesses as well as the contents of the FIR, it is clearly evident that the appellant neither intended to cause mischief to the informant's Sagwan trees by fire nor had knowledge that damage to informant’s trees was likely to be caused by his act of setting fire to the weeds (Khar Patwar) in his own field. These facts were not properly appreciated by the trial court, which took cognizance of the alleged offences in a mechanical manner.

4. On the other hand, learned counsel appearing for respondent No. 2 has vehemently opposed the submissions advanced on behalf of the appellant and submitted that at the alleged place of occurrence and at the relevant time, the

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appellant was present and was responsible for setting fire to the eighty Sagwan trees belonging to the informant (respondent No. 2). It is further submitted that the appellant admitted his fault in a panchayat meeting but subsequently failed to abide by the same.

5. Heard learned counsel for both the parties and perused the impugned order, the FIR and the case diary of the present case. This Court finds substance in the submissions advanced by learned counsel appearing for the appellant for the following reasons. Firstly, the informant has not claimed to have witnessed the alleged act of the appellant of setting fire to the Sagwan (Teak) trees belonging to the informant. As the appellant's agricultural land is situated near the informant's land, his presence at or near the alleged place of occurrence cannot, by itself, be considered suspicious. Secondly, during the investigation, two important witnesses, who claimed to have been present near the place of occurrence, stated that they had seen the appellant trying to douse the fire. According to them, the appellant had initially set fire to the Khar Patwar growing in his field, which subsequently spread to the informant's field and set the Sagwan trees on fire. Thirdly, as appears from the description of the place of occurrence given in paragraph nos. 7

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and 8 of the case diary, another person's land lies between the informant's land and that of the appellant. The aforesaid circumstances and materials do not *prima facie* indicate that the appellant intended to cause the alleged mischief by fire or had knowledge that alleged damage to the informant’s trees was likely to be caused by his act of setting fire to the weeds (Khar Patwar) growing on his land. Furthermore, upon perusal of the case diary and the FIR, I find no material indicating any past enmity between the appellant and the informant. Learned APP has also not been able to demonstrate any incriminating circumstance suggesting any motive on the part of the appellant to commit the alleged offences. The facts and circumstances emerging from the materials on record sufficiently indicate that the incident involving damage to the informant's teak trees by fire was merely the result of an accidental fire. Hence, the essential ingredients of the alleged offences punishable under Sections 435 and 427 of the IPC and Sections 3(1)(f) and 3(1)(g) of the SC/ST Act are not even *prima facie* made out against the appellant and the learned trial court erred in taking cognizance of the said offences. Accordingly, this Court finds that the impugned order dated 24.06.2020, passed by the learned Special Judge, SC/ST Act, Gaya, in M.U. P.S. Case No. 53 of

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2017, is unsustainable in the eye of law and is, therefore, set aside.

6. In the result, the instant appeal stands allowed.

7. Pending application(s) if any, shall stand disposed of.

(Shailendra Singh, J)

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