

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2980 of 2022

Arising Out of PS. Case No.-11 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. BIPIN BIHARI SINGH @ BIPIN SINGH @ VIPIN SINGH S/o Late Kapildev Singh R/o Village- Amar Chapra, P.S.- Chapra Muffasil, District- Saran
2. Chandan Singh @ Chandan Kumar Singh S/o Bir Bahadur Singh Resident of Village- Amar Chapra, P.S.- Chapra Muffasil, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Narayan Manjhi S/o Late Rajballabh Manjhi R/o Amar Chapra, P.S.- Muffasil, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Kant Singh, Adv.
	:	Mr. Kundan Kumar, Adv.
	:	Mr. Shivesh Singh, Adv.
	:	Mr. Kumar Shaswat Anand, Adv.
For the Respondent/s	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 31-03-2026 1. The present appeal has been preferred against the order dated 25.01.2022 passed in Chapra (M) P.S. Case No. 11 of 2020 by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran, whereby the learned Court has taken cognizance of offences against the appellants under Section 147, 323, 324, 504 and 353 of the IPC and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the SC/ST Act).
2. The prosecution story, in brief, is that the informant Narayan Manjhi gave his fardbeyan before the Police of Chapra



Mufassil police station at Sadar Hospital, Chapra, stating that on 25.12.2019 at about 2 p.m., while he was at his home, the appellants along with other accused persons came there with lathi, danda and knife in their hands and abused him by taking his caste name and started assaulting the informant. In the meanwhile, appellant no. 2 gave knife blow causing injury near the neck of the informant and when the informant's sister came to save him, they torn her clothes and made her half-naked.

3. Learned counsel for the appellants submits that upon bare perusal of the FIR, no offence, much less offence under Section 3(1)(r) of the SC/ST Act is made out. There is admitted land dispute between the parties, which would be evident from the FIR itself. Prior to lodging of the FIR, proceeding under Section 144 of the Cr.P.C. was initiated on the basis of police report dated 27.10.2019 and the informant violated the prohibitory order under Section 144 of the Cr.P.C. for which the police recommended for initiation of proceeding against the informant under Section 188 of the I.P.C. and Section 107 of the Cr.P.C. in its report dated 29.11.2019.

4. It has further been argued that a Jamabandi Cancellation Case No. 42 of 2019 was filed by the informant without any notice to the appellants. The Jamabandi was



cancelled by the A.D.M. The order cancelling their Jamabandi was challenged by the appellants before this Court in C.W.J.C. No. 20608 of 2019 in which the order cancelling Jama Bandi was stayed. Subsequently, thereafter, the FIR has been lodged by the informant. A title suit has also been filed by the appellants against the informant having Title Suit No. 570 of 2019, which is still pending.

5. It has further been argued that the doctor who treated the informant has found the nature of injury as simple, caused by hard and blunt substance, whereas the allegation in the FIR is that injury was inflicted by appellant no. 2 by a sharp cutting weapon, i.e., knife. The learned Special Court has taken cognizance in mechanical manner and without any material on record to come to the conclusion that offence under section 3(1) (r) is made out.

6. He relies upon the judgment of Hon'ble Supreme Court in **Hitesh Verma v. State of Uttarakhand and another, reported in (2020) 10 SCC 710** as well as **Keshaw Mehto alias Keshaw Kumar Mehto v. State of Bihar and another reported in 2026 LiveLaw (SC) 62.**

7. Mr. S.S.P. Yadav, learned counsel for the respondent No. 2 and Mr. Sadanand Paswan for the State,



argued that it is correct that there is a land dispute between the parties, but there is a specific allegation in the FIR that the appellants abused the informant by his caste name due to land dispute and also assaulted him. The doctors examined the informant in the hospital, where the fardbeyan was recorded and the injury has also been found on the person of the informant.

8. Mr. S.S.P. Yadav further submitted that it was the appellants who wanted to forcibly take possession of the land in question upon which the informant's side has been residing for about 25 years. During course of investigation, the witnesses have supported the prosecution story and more particularly in para 7, 8 and 9 of case diary.

9. I have heard learned counsel for the parties and have gone through the materials available on record.

10. The Hon'ble Supreme Court in **Keshaw Mehto alias Keshaw Kumar Mehto v. State of Bihar and another reported in 2026 LiveLaw (SC) 62**, in para 12 and 16, has dealt with Sections 3(1)(r) and 3(1)(s) and has said that Section 3(1)(r) is attracted where the reason for the intentional insult or intimidation by the accused is that the person who is subjected to is a member of a Scheduled Caste or a Scheduled Tribe. Section 3(1)(r) cannot stand merely on the fact that the



informant/complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless the insult or intimidation is with the intention to humiliate such a member of the community. The fact that the informant belonged to the Scheduled Caste or Scheduled Tribe would not be enough. Any insult or intimidation towards the complainant must be on account of such person being a member of a Scheduled Caste or a Scheduled Tribe

11. It has further been held by the Hon'ble Supreme Court that with a view to dispel any doubt and lend clarity, it is appropriate to mention that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).

12. In the case of Hitesh Verma v. State of Uttarakhand and another (supra), the Hon'ble Supreme Court has held that offence under the SC/ST Act is not established merely on the fact that informant is a member of SC (Scheduled Caste) unless there is intention to humiliate the member of the Scheduled Caste.

13. In paragraph 16 of the said judgment, the Hon'ble Supreme Court has further observed that there is a dispute about the possession of the land which is the subject-matter of civil



dispute between the parties. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.

14. In the present case, the FIR starts with the fact that due to previous land dispute, the appellants along with others arrived and abused the informant by his caste name and assaulted. The land dispute between the parties is admitted. Both the parties are litigating over the title/possession of the land and several cases including the title suit are pending between them. The claim of the appellants is that the land in question belongs to the appellants and a Jamabandi was created in their favor, which was cancelled at the behest of the informant behind the back of the appellants. As informed to this Court, the matter regarding cancellation of Jama Bandi is still pending before the Division Bench of this High Court. It appears that the intent with which abuses were hurled as per the allegation was not with an intention to humiliate the informant. The appellants did not abuse the informant with the feeling of caste based humiliation. The land dispute which is pending before the civil



court arises on account of title and possession claimed by both the parties upon the same land. Accordingly, this would not disclose an offence under the SC/ST Act unless there is some material to show that victim has been abused, intimidated only for the reason that he belongs to the Scheduled Caste community. From the records and attending circumstances, it does not appear that the appellants abused the informant with intention to humiliate or demean the dignity/status of the informant.

15. Taking into consideration the aforesaid discussion, this Court is of the opinion that there is no material to take cognizance against the appellants under Section 3(1)(r) of the SC/ST Act. Accordingly, the order taking cognizance against the appellants for offence under Section 3(1)(r) of the SC/ST Act cannot sustain and is hereby set aside.

16. Insofar as cognizance taken against the appellants under the I.P.C. is concerned, from the records as well as FIR and the case diary, it appears that there is allegation against the appellants that they assaulted the informant by lathi and knife along with other accused persons. During course of investigation, the informant was examined by the doctor also. The nature of injury and the weapon used is not important at this



stage.

17. In a case of Hitesh Verma v. State of Uttarakhand and another (supra), the Hon'ble Supreme Court in paragraph 23 has referred a judgment rendered in Ishwar Pratap Singh v. State of U.P. in which the Hon'ble Supreme Court has held that there is no prohibition under the law for quashing the charge-sheet in part. During course of investigation, the victim along with other witnesses have supported the prosecution story that the informant was assaulted.

18. In view of the above facts and the materials on record, this Court comes to the conclusion that the prima facie case is made out against the appellants under the provisions of I.P.C. and the appellants can be tried by the Competent Court for the offences under I.P.C. in accordance with law.

19. The present appeal is partly allowed to the extent indicated hereinabove.

(Anil Kumar Sinha, J)

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