IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3712 of 2024

CNR No. BRHC010770582024

Arising Out of PS. Case No.-61 Year-2022 Thana- SC/ST District- Gaya

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1. Pramod Yadav @ Pramod Kumar S/o Hridwar Yadav Resident of Village Sinduari, PS Wazirganj, District Gaya
2. Subodh Yadav @ Subodh Kumar S/o Haridwar Prasad Resident of Village Sinduari, PS Wazirganj, District Gaya
3. Haridwar Yadav @ Haridwar Prasad S/o Late Munshi Prasad Yadav Resident of Village Sinduari, PS Wazirganj, District Gaya
4. Dharmendra Kumar S/o Uma Prasad Resident of Village Sinduari, PS Wazirganj, District Gaya

... ... Appellant/s

Versus

1. The State of Bihar
2. Kushmi Devi W/o Late Rajo Das R/o vill - Pura tola, Sinduari, P.S. - Wazirganj, Distt. - Gaya

... ... Respondent/s

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Appearance :
For the Appellants : Mr. Alok Kumar Alok, Advocate
Mr. Ajay Kumar Sinha, Advocate
For the State : Mr. Binod Kumar No.3, APP
For the Resp. No.2 : Mr. Vinod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

5 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 19.12.2023 passed in SC/ST P.S. Case No. 61 of 2022 by the learned Exclusive Special Judge, SC/ST, Gaya, whereby and whereunder cognizance has been taken against the appellants for the offences punishable under Sections

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341, 323, 504 and 506 of the Indian Penal Code (in short ‘IPC’) and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing for the appellants submits that in the instant matter, no injury reports pertaining to the injured persons named in the FIR are available on record, despite the informant's assertion that one of the injured persons, namely, Reshami Kumari, remained under treatment at Wazirganj Government Hospital and Jai Prakash Narayan Hospital, Gaya. It is further submitted that the FIR refers to two separate dates on which the alleged incidents took place; however, even after the alleged occurrence of the last incident involving assault and caste-based abuse, there was an inordinate delay in lodging the FIR, for which no satisfactory explanation has been furnished. Learned counsel further submits that the appellants were not sent up for trial by the police and upon completion of the investigation, the police, in its final report, observed that the dispute between the parties was essentially a land dispute, in respect of which the informant had repeatedly instituted cases against the appellants. It is contended that the learned court below failed to give due consideration to this aspect of the matter. It is further submitted that there is an admitted land dispute between the appellants and respondent

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No. 2 (the informant). According to the learned counsel, the FIR was lodged with an ulterior motive of exerting pressure upon the appellants and grabbing the land in question. Learned counsel also submits that while differing from the police's final report, the learned court below primarily relied upon the informant's restatement, without adequately considering the other materials available in the case diary. It is, therefore, contended that the impugned order was passed mechanically, without proper appreciation of the materials on record and without due application of judicial mind.

4. Learned counsel appearing for respondent No. 2 opposes the appeal and submits that the impugned order has rightly been passed and the appeal is devoid of merit.

5. Learned APP appearing for the State submits that the matter requires to be remanded back to the learned court below for fresh consideration of the question of cognizance, as it appears that the learned court below did not consider even *prima facie* all the materials available in the case diary and relied upon the informant's restatement and the protest petition filed by the informant only while passing the impugned order.

6. Considering the submissions advanced by the learned APP appearing for the State, this Court finds merit in the

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submission made by the learned APP. Accordingly, the matter is remanded to the learned court below for fresh consideration and passing of a reasoned order on the point of cognizance after due consideration of the materials available on record. Consequently, the impugned order dated 19.12.2023, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in connection with SC/ST P.S. Case No. 61 of 2022, is hereby set aside.

7. The learned trial court shall pass a fresh order in accordance with law and on the merits of the case, without being influenced or prejudiced by any observations made in this order.

8. Accordingly, the instant appeal stands disposed of.

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

(Shailendra Singh, J)

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