

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3232 of 2025**

Arising Out of PS. Case No.-97 Year-2022 Thana- VAISALI COMPLAINT CASE District-  
Vaishali

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Pankaj Kumar Sinha @ Pankaj Kumar, male, aged about 50 years, S/o Late  
Bhuneshwar Prasad @ Bhuvneshwar Prasad, R/o Village- Maudah Chatur,  
P.S.-Patepur, District-Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar Ram S/o Late Laxman Ram r/o vill - Khorampur Dumriya,  
P.S. - Salempur (Kathara O.P.), Distt.- Vaishali

... .. Respondent/s

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**Appearance :**

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|---------------------|---|--------------------------------|
| For the Appellant/s | : | Mr. Sanjay Kumar Jha, Advocate |
| For the O.P. No. 2  | : | Mr. Prashant Kumar, Advocate   |
| For the State       | : | Mrs. Usha Kumari 1, Spl. P.P.  |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      23-02-2026                      Heard Mr. Sanjay Kumar Jha, learned counsel  
  
appearing on behalf of the appellant; Mr. Prashant Kumar,  
  
learned counsel for OP No.2 and Mrs. Usha Kumari 1, learned  
  
Spl. PP for the State.

2. The appellant has preferred the present appeal  
under Section 14(A) (2) of Scheduled Caste and Scheduled  
Tribes (Prevention of Atrocities) Act against the rejection of  
prayer for pre-arrest bail, vide order dated 25.07.2025 passed by  
the learned Exclusive Special Judge- SC/ST Act, Vaishali at  
Hajipur in ABP No.1876 of 2025 arising out of Complaint Case  
No.97 of 2022, registered for the offences under Sections 420



and 324 of the Indian Penal Code and Sections 3(1)(x) of SC/ST Act.

3. As per the allegations made in the complaint petition, the appellant, who is stated to be an LIC agent, is alleged to have dishonestly misappropriated about sum of rupees twenty three lakhs of the informant, which was entrusted to him by the informant for the purpose of deposit towards his premium of his LIC policy.

4. I have perused the allegation made in the complaint, from which it appears that the appellant is an LIC agent and altogether more than rupees twenty three lacs were deposited by the informant in respect of a policy, which was opened in the name of the informant. It is admitted by the appellant that a cheque of Rs. 1,61,115/- was issued by him in the name of the informant, which got dishonored in want of sufficient fund. However, the informant has not given reference of his bank account, which at the relevant point of time, was standing in Sumerganj Branch of the State Bank of India. On the face of allegation, case under Sections 420 and 324 of the Indian Penal Code is attracted against the appellant. However, I find that in absence of any specific allegation that the incidence had taken place in public view, no case under Sections 3(1)(x) of



SC/ST Act is made out against the appellant. As the appellant has not denied that he was not an LIC agent at the relevant point of time and, at the same time, there is no specific denial that the cheque dated 05.10.2021 for a sum of Rs. 1,61,115/- was not issued by the appellant in favour of the informant.

5. Under above facts, based on information, I find that primarily the allegation has civil texture, in such circumstances, the respective parties, if so advised, they may settle their dispute outside the Court amicably in light of the law laid down by the Apex Court in the case of ***Ramawatar Vs. State of Madhya Pradesh, reported in (2022) 13 SCC 635*** and in this regard, I find it apt to reproduce paragraphs no. 17 to 20, which *inter alia* are as follows:

*" 17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a "special statute" would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482CrPC.*

*18. Adverting to the case in hand, we note that the present appellant has been charged and convicted under the unamended Section 3(1)(x) of the SC/ST Act [ Section 3(1)(x) of the Act stands substituted by Act 1 of 2016 w.e.f. 26-1-2016.] , which was as follows:*



***“3. Punishments for offences of atrocities.—***

*(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe—*

*(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;”*

*19. We may hasten to add that in cases such as the present, the courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the courts should consider, would depend on the facts and circumstances of each case.*

*20. Having considered the peculiar facts and circumstances of the present case in light of the aforestated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:*

*20.1. Firstly, the very purpose behind Section 3(1)(x) of the SC/ST Act is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the aforestated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overwhelmingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.*

*20.2. Secondly, the offence in question, for which the appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the appellant may not belong to the same caste as the complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation*



*in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the appellant and the complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.*

*20.3.Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the appellant is either a repeat offender or is unremorseful about what transpired.*

*20.4.Fourthly, the complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.*

*20.5.Fifthly, given the nature of the offence, it is immaterial that the trial against the appellant had been concluded.*

*20.6.Sixthly, the appellant and the complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement."*

6. Based on the above analysis, the Apex Court has drawn conclusion in paragraph no. 21, which *inter alia* is as follows:

*"21. Consequently, and for the aforementioned reasons, we find it appropriate to invoke our powers under Article 142 of the Constitution and quash the criminal proceedings to do complete justice between the parties. As a sequel thereto, judgment and orders passed by the trial court and the High Court [Kodulal v. State of M.P., Criminal Appeal No. 1684 of 1995, order dated 2-8-2010 (MP)] are set aside. Bail bonds, if any, are discharged. The appeal is allowed in above terms"*



7. If the parties desire to resolve the dispute outside the Court amicably by way of mediation, learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to Mediation 2.0.

8. Accordingly, the impugned order is modified to the above extent.

9. Learned District Court is directed to fix a date for appearance of the parties and, thereafter, refer the matter for mediation if the parties so desire or, in alternative, pass fresh order if the petitioner fails to negotiate in accordance with law.

10. The present application stands disposed of.

**(Purnendu Singh, J)**

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