

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4010 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- SC/ST District- Purnia

1. Vijay Yadav @ Vijay Kumar Yadav Son of Late Dorik Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
2. Anmol Yadav son of Late Janaklal Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
3. Vidyanand Yadav Son of Late Janaklal Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
4. Rakesh Yadav @ Rakesh Kumar son of Anmol Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
5. Mithlesh Yadav @ Mithlesh Kumar son of Tej Narayan Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
6. Tej Narayan Yadav @ Tej Yadav Son of Late Janaklal Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
7. Sanjay Yadav @ Sanjay Kumar Son of Late Prithwi Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
8. Sitaram Yadav @ Teni Yadav @ Dev Narayan Yadav son of Late Mathuri Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
9. Janardan Yadav @ Janrdan Yadav Son of Late Prasadi Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
10. Mala Devi Wife of Anmol Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
11. Pratima Devi Wife of Vidyanand Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.
12. Renu Devi Wife of Vijay Yadav @ Vijay Kumar Yadav Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulo Devi Wife of Gajadhar Rishi Resident of village- Kachahri Balua, Rahika Tola P.S.- Sarsi, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ram Prawesh Kumar, Adv. Mr. Ambrish Kumar, Adv. Mr. Avnish Kumar, Adv.
For the State	:	Mr. Sadanand Paswan, APP
For the respondent no.2	:	Mr. Kumar Praveen, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER



11 25-06-2026 Heard the parties.

2. The instant appeal has been preferred under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a prayer to quash the order dated 04.06.2024 passed by the learned Additional Sessions Judge-I-cum- Special Judge, SC/ST Act, Purnea in Special SC/ST Case No. 16 of 2022 whereby and whereunder cognizance of the offences under sections 147, 323, 341, 447, 504, 506 of the IPC and section 3(i) (r) (s) of the SC/ST Act has been taken against the appellants.

3. Mr. Ram Prawesh Kumar, Learned counsel for the appellants submits that the respondent no.2 filed complaint case against 12 persons which was sent to the police for investigation and after investigation the police did not find any substance in the allegations levelled by the respondent no.2 and consequently submitted final form in favour of the appellants but thereafter mainly taking into account the restatement of respondent no.2 and the statement of her son, cognizance of the alleged offences has been taken against the appellants without perusing the other relevant materials available in the case diary and during investigation the material witnesses who were examined by the I.O. did not support the allegations of the respondent no.2 rather,



they stated that there was a land dispute between the respondent no.2 and the State Government and since the appellants' land is situated adjacent to the land in question, so, they are being harassed by the respondent no.2 through the institution of a frivolous complaint.

4. On the other hand, Mr. Kumar Praveen, learned counsel for the respondent no.2 submits that the order impugned has rightly been passed and the land in question was settled in favour of the respondent no.2 and others which is presently under the possession of the appellants and for demarcation of the said settled land an application was filed by the husband of respondent no.2 upon which Anchal Amin came and started measuring it but the appellants and others started creating obstacle in the process of measurement and later abused and assaulted the prosecution party and thereafter on the basis of Anchal Amin's report the Public Grievance Redressal Officer passed an order dated 27.12.2018 giving strict direction for measurement of the land and also directed to take strict legal action against the appellants if they again create obstacle in the process of measurement and consequently on the alleged date and time of the occurrence the appellants entered into the house of respondent no.2 and committed the alleged offences and there



are sufficient materials to attract the alleged offences of which cognizance has been taken.

5. I have heard both the sides and perused the order impugned, the FIR which is based on the complaint of respondent no. 2 as well as case diary pertaining to the said P.S. Case.

6. From the above submissions one thing is quite clear that on the alleged date and time of the occurrence there was a land dispute between both the parties and the respondent no.2 filed her complaint against 12 persons without disclosing their specific role in the commission of the alleged occurrence except the appellant no.1, Vijay Yadav and during investigation most of the witnesses except respondent no.2, her husband and her son stated nothing with regard to the allegations levelled by the respondent no.2 in her complaint. Surprisingly, the I.O. did not examine the witnesses cited in the complaint and in the protest petition which is said to have been filed by the respondent no.2, a copy of which has been filed by the learned counsel for the respondent no.2 at the time of hearing before this court, there is no details of examination of the witnesses cited by the said respondent no.2 in her complaint. It is also very surprising that while taking cognizance of the alleged offences the learned trial



court did not pass any order on the protest petition filed by the respondent no.2 which was on record at that time and all theses facts and circumstances show the mechanical approach of the trial court, so, the impugned order requires interference from this court, hence, it stands set aside and the trial court is directed to pass a fresh order on the point of cognizance after taking into account the relevant materials available in the case diary as well as examining the protest petition filed by respondent no.2 without being prejudiced by this order according to merit.

7. In the result, the instant application stands allowed.

(Shailendra Singh, J)

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