

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4659 of 2024

Arising Out of PS. Case No.-6 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. Ram Chandra Shukla, S/O Late Bindeshwari Shukla, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 2. Navin Kumar Shukla, S/O Ram Chandra Shukla, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 3. Kishor Kumar Shukla @ Nanki Shukla, S/O Ram Chandra Shukla, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 4. Puja Shukla, W/O Navin Shukla @ Navin Kumar Shukla, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 5. Ganesh Mandal, S/O Late Satyadev Mandal, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 6. Punam Kumari @ Punam Kumari Mandal, W/O Ganesh Mandal, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.
 7. Suresh Kumar Mandal, S/O Late Satyadev Mandal, Resident of village- Kaitola,P.S-Madhubani Town, District-Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arti Devi, W/O Manoj Paswan, R/O Village- Resident of Village- Kaitola, P.S- Madhubani Town, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhakar Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 16-07-2026

Heard the parties.

2. This appeal has been preferred under Section 14A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the "SC/ST Act") by the appellants, seeking quashing of the order dated 26.06.2024 passed by the learned Additional Sessions



Judge-I-cum-Special Judge, Madhubani, in T.R. No. 1507 of 2024, arising out of Complaint Case No. 06 of 2022, whereby and whereunder cognizance of the offences punishable under Sections 341, 323, 354, 435, 504 and 34 of the Indian Penal Code (hereinafter referred to as the "IPC") and Section 3(1)(x) of the SC/ST Act has been taken against the appellants.

3. Learned counsel appearing for the appellants submits that the impugned order is wholly unsustainable in the eye of law insofar as the offence under Section 3(1)(x) of the SC/ST Act is concerned, as there is no allegation that the appellants corrupted or fouled the water of any spring, reservoir, or any other source used by the complainant or her family members so as to render it less fit for the purpose for which it was being used. It is further submitted that the allegations levelled by the complainant are entirely different and to this extent, the approach adopted by the trial court is legally and factually erroneous. Learned counsel further submits that, so far as the merits of the other allegations are concerned, there are several circumstances indicating the malafide intention of Respondent No. 2/the complainant in instituting the complaint. Firstly, the alleged occurrence is stated to have taken place on 26.12.2021, whereas the complaint was filed by O.P. No. 2 only



on 13.01.2022, without any explanation for the delay. Secondly, there had been a dispute between one *Mahant* and the complainant's family for the past several years, and only after the death of the said *Mahant* the complainant choose to file the present complaint, which was subsequently entertained by the trial court. Thirdly, the complainant changed her version while making her statement on solemn affirmation before the trial court. Fourthly, she did not disclose the names of the villagers to whom she allegedly narrated the occurrence on the very next day after the incident.

4. While opposing this appeal, the learned APP fairly submits that the impugned order is mechanical to the extent of cognizance under Section 3(1)(x) of the SC/ST Act and the same appears to be a bonafide mistake on the part of the trial court.

5. Considering the above submissions and taking note of the fact that the allegations detailed in the complaint do not even *prima facie* disclose the commission of the offence under Section 3(1)(x) of the SC/ST Act, this Court finds that the approach adopted by the trial court while taking cognizance, to the extent of said offence under SC/ST Act is not correct. It appears that the trial court passed the impugned order



mechanically, without applying a judicial mind. Hence, the impugned order is hereby set aside, without making any observation with regard to the other allegations, the trial court is directed to pass a fresh order on the point of cognizance in Complaint Case No. 06 of 2022.

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

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

