

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.871 of 2016

Arising out of P.S. Case No. -146 Year- 2016 Thana -ROHTAS District- SASARAM (ROHTAS)

- =====
1. Ram Lal Mehta, son of late Jagdeo Mehta.
 2. Jitendra Mehta, son of Raj Mohan Mehta.
 3. Anish Mehta, son of Bindeshwar Mehta.

All are resident of village- Thumha, Police Station- Rohtas, Dist- Rohtas.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellants : Mr. Rajani Kant Singh, Advocate.

For the Respondent : Mr. Binay Krishna, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-10-2016

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. By way of the present appeal preferred under
Section 14-A (2) of The Scheduled Castes and The Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for short 'the Act'), the
appellants have challenged the order dated 10.9.2016 passed by the
learned 1st Additional Sessions judge, Rohtas at Sasaram in
connection with Rohtas P.S. Case No. 146 of 2016 registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 504 of the Indian Penal Code, Section 3 (1) (g) (r) (s) (n) and 3
(2) (v) (a) of SC/ST Amendment Act, 2015.



3. It is submitted by the learned counsel for the appellants that the entire prosecution story is false and fabricated. As a matter of fact, due to land dispute existing between the parties, the members of the prosecution party had attacked upon the appellants and for the said reason, on the same day, Rohtas P.S. Case No. 147 of 2016 was registered against the members of the prosecution party under Section 307 of the Indian Penal Code. The contention is that no serious injury was caused to anyone and the injury sustained by the members of the prosecution party was mostly simple barring to which were on a non vital part of the bodies i.e. on finger.

4. On the other hand, learned counsel for the State has submitted that several persons from the side of the informant were injured in the alleged incident and he concedes that there is counter version also but the counter case is still under investigation and, hence, it cannot be said that the prosecution case instituted on the basis of the statement of the victim Yashwant Paswan is false. He has submitted that the appellants have not remained in custody for sufficient time.

5. Regard being had to the facts and circumstances of the case, the impugned order dated 19.9.2016 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in Rohtas P.S. Case No. 146 of 2016 is set aside. The appellants named above,

are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Rohtas P.S. Case No. 146 of 2016.

10. The appeal stands allowed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.10.2016
Transmission Date	22.10.2016