

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3193 of 2017

Arising Out of PS.Case No. -666 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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1. Chandan Mehta @ Chandan Kumar Mehta, Son of Indranand Mehta,
Resident of Village- Mirzapur, P.S.- Forbesganj (Simraha), District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Kumar Jha

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-12-2017 Heard the learned counsels for the appellant as well
as the Spl. P.P.

The appellant has challenged the order dated 12.10.2017 passed by the learned 1st Additional Sessions Judge, Araria in connection with Special Case No. 265/2017, arising out of Forbesganj (Simraha) P.S. Case No. 666/2017 instituted for the offences under Sections 448, 341, 342, 385, 365, 511 and 34 of the Indian Penal Code read with Sections 3(i)(2) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for being released on bail, in anticipation of his arrest, has been rejected.

It has been alleged in the F.I.R. that the appellant had come to the house of the informant and had demanded Rs. 1 lakh as protection money. When the informant refused, the



appellant is said to have gone back home. Later, at about 11 O'clock in the day, the appellant along with others came to the house of the informant and forcibly tried to take him away. On the hue and cry made by the informant, many persons of the village assembled and only then the informant could be saved.

Learned counsel for the appellant has stated that in the entire body of the F.I.R., there is no statement of the informant which could lead to the conclusion that the appellant has committed any offence under any one of the provisions of the SC/ST (Prevention of Atrocities) Act. Merely because the informant happens to be a member of the Scheduled Caste Community, the provisions of SC/ST Act have been added. With respect to other offences punishable under the Indian Penal Code, learned counsel for the appellant has stated that admittedly the offences remained inchoate. It has further been submitted that the allegations, prima facie, do not appear to be probable and the appellant has been named in this case because of village politics.

For the reasons stated above, this Court deems it appropriate to set aside the order dated 12.10.2017.

The appellant is directed to be released on bail, in the event of his surrender before the court below within a period of three weeks from the date of receipt/production of a copy of



this order, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Araria in connection with Forbesganj (Simraha) P.S. Case No. 666/2017.

(Ashutosh Kumar, J.)

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