

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7239 of 2015

Arising Out of PS. Case No.-580 Year-2013 Thana- BAGHA District- West Champaran

Parwez Akhtar @ Parwez Alam S/o Ghure Mian. Resident of Village Ratanmala, P.S. Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mohan Ram S/o Brijhan Ram. Resident of Village- Shastrinagar, P.S.- Bagaha, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-06-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is accused in connection with Bagaha Police Station Case No.580 of 2013, registered under Sections 341, 435/34 of the Indian Penal Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. According to F.I.R., petitioner and his other criminal associates committed arson in the *Gumti* of the informant and abused to the informant by taking his caste name.



4. After investigation, the Police submitted charge sheet and by the impugned order dated 30.04.2014, the learned court below has taken cognizance, accordingly.

5. Learned counsel for the petitioner submits that there is no material that occurrence took place in presence of the public.

6. The law does not require that public should be there, rather requirement is that the place of occurrence should be a public place, meaning thereby the place should be accessible or visible by anyone in the ordinary course of their movement.

7. Considering the material, I am not inclined to interfere with the impugned order. Accordingly, this application is *dismissed* as devoid of any merit.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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