

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.556 of 2016

Arising Out of PS. Case No.-53 Year-2010 Thana- KARAHGAR District- Rohtas

The State Of Bihar

... .. Petitioner/s

Versus

1. Chandrama Singh Son of Late Kishun Singh
2. Vishwamitra Singh Son of Late Sheo Bhajan Singh
3. Kamla Singh Son of Late Sheopujan Singh
4. Satya Narayan Singh Son of Late Sheopujan Singh
5. Bihari Singh @ Om Prakash Singh Son of Ram Chela Singh
6. Pradip Singh Son of Chandeshwar Singh
7. Sanmukh Singh Son of Late Dukhi Singh
8. Rang Bahadur Singh Son of Sanmukh Singh
9. Mangal Singh @ Kuber Singh Son of Late Sheo Bhajan Singh
10. Suryabhan @ Brijbhan Singh Son of Sheopujan Singh
11. Kapilmuni Singh Son of Deonath Singh
12. Arbind Singh Son of Satya Narayan Singh
13. Santosh Singh Son of Babu Ram Singh
All residents of Village - Gurvey, P.S. - Kargahar, District - Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 15-07-2019 This revision application has been directed against order dated 8.5.2015 passed by the leaned Addl. District and Sessions Judge, Rohtas, Sasaram in Case No.31 of 2014 arising out of Kargahar P.S.Case No.53 of 2010 whereby and whereunder the the learned Sessions Judge has discharged O.P.nos. 1 to 13 for offences under Section (3)(i)(x) of SC/ST



Act and sent the case to the court of SDJM, Sasaram for trial and disposal under Section 147, 148, 149, 341, 323, 427, 429 and 435 of the IPC.

Grounds taken by the leaned counsel for the State is that the materials collected during the course of investigation clearly makes out a case under Section (3)(i)(x) of SC/ST Act and also under the various Sections of the Indian Penal Code and on perusal of the FIR itself it appears that the persons 17 in number came variously armed and one of them abused by taking caste name to the informant and thereafter they set the house of the informant on fire and one of them also assaulted as such the offence under Section (3)(i)(x) of SC/ST Act is clearly made out and nothing more is required here.

On the other hand, learned counsel for the O.P.nos.1 to 13 have opposed the same and submission is that the material itself shows that only one of the accused persons abused the informant by taking caste name and others have set the house on fire and one another assaulted and the learned Addl. Sessions Judge has rightly passed the order that it is not in the public view as well as it is not intentional.

Heard both sides and perused the record, it appears that it is well settled that at the time of passing order on



discharge petition filed by the accused persons, the learned court below has only to consider the materials available on the record in order to see that whether offence is made out or not and the trial court does not have to evaluate the evidence available on record. In the present, the FIR itself discloses that all the accused persons came variously armed and one of them abused the informant by caste name and another one abused and assaulted and they have also set the house on fire damaging the articles of the house. It further appears that the police also after investigation has submitted charge sheet under Section (3)(i)(x) of SC/ST Act apart from various sections of the IPC. However, the learned trial court on the ground that there is land dispute between the parties and materials available on the record does not show that the informant was abused in public view, though FIR itself shows that informant was abused by caste name at his '*darwaza*' and his house was also set on fire.

In view of the discussions made above, impugned order passed by the learned Addl Sessions Judge does not appear to be sustainable.

Accordingly, this revision application is allowed and the impugned order is set aside. The matter is remitted back to the court of Addl. District and Sessions Judge no.1, Rohtas,



Sasaram to hear afresh and examine the materials available on the record and pass appropriate order.

(Vinod Kumar Sinha, J)

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