

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.241 of 2020

Arising Out of PS. Case No.-251 Year-2018 Thana- BARHARA KOTHI District- Purnia

Umesh Mehta S/o Ganeshi Mehta Resident of Rajganj, P.S.- Bihariganj,
District- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Bidhu Ranjan

For the Respondent/s : Mr. Ramchandra Sahni, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 05-06-2020 Heard Dr. Bidhu Ranjan, learned counsel appearing
for the appellant as well as Mr. Ramchandra Sahni, learned
Special Public Prosecutor for the State through video
conferencing.

This criminal appeal has been preferred under Section
14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 against
the order dated 18.12.2019 passed by the learned 1st Additional
Sessions Judge – cum – Special Judge, SC/ST Act, Purnea in
S.C. & S.T. Case No. 118/2019 (arising out of Barhara P.S. Case
No. 251 of 2018) by which and whereunder the learned Special
Judge refused to enlarge the appellant on bail.

The appellant is named in the first information report
with allegation that he along with others made indiscriminate
firing on account of land dispute, as a result whereof one Rudha



Devi sustained firearm injury and, subsequently, she died in course of her treatment.

The case diary is available. The perusal of case diary goes to show that only one firearm injury was found on the person of the deceased. Furthermore, paragraph 58 of the case diary goes to show that the statement of one Kaso Devi, who happens to be the maternal grandmother of deceased, was recorded and she claimed that firing from two sides were going on and in that firing Rudha Devi sustained injury. Furthermore, this witness very, specifically, stated that there was land dispute between accused persons including appellant as well as prosecution party including informant and on account of taking possession of the land, both parties made firing on each other.

Learned counsel of the appellant submits that, no doubt, the appellant is named in the first information report but no specific overt act has been attributed against him and only general allegation of firing has been levelled against him.

Although, learned Spl. P.P. opposed the prayer but taking note of the fact that only one firearm injury has been found on the person of the deceased and one eye witness claimed that firing was not only made from the side of the appellant but also from the prosecution party, in my view this



appeal does have merit.

Accordingly, this criminal appeal is allowed and, the impugned order dated 18.12.2019 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST Act, Purnea, in S.C. & S.T. Case No. 118/2019 (arising out of Barhara P.S. Case No. 251 of 2018) is, hereby, set aside.

The above named appellant is 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 – cum – Special Judge, SC/ST Act, Purnea, in connection with S.C. & S.T. Case No. 118/2019 (arising out of Barhara P.S. Case No. 251 of 2018).

(Hemant Kumar Srivastava, J)

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