

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3556 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

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1. Hirdaya Yadav, S/o Markat Yadav,
2. Bhandu Yadav,
3. Mantu Yadav Both Sons of Mirda Yadav, All are R/o Village- Rupahatha
, P.S.- Nokha, District- Rohtas.
4. Ramayan Yadav,
5. Nirmal Yadav Both Sons of Haribansh Yadav, R/o Village- Kosdihara ,
P.S.- Kargahar , District- Rohtas.

.... Appellants

Versus

1. The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Rameshwar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Rohtas at Sasaram, in connection with S.C and S.T Dehri P.S. Case No.19 of 2017 registered under Sections 341, 323, 436, 506, 34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R, the appellants had quarreled with the informant a few days back and had threatened to burn his



house. On the date of occurrence, they allegedly burnt the house of informant and were seen by the informant fleeing from the place of occurrence.

The Investigating Officer has found burnt house at the time of inspection of the place of occurrence.

Submission of learned counsel for the appellants is that the informant in his further statement has not stated that appellants were seen fleeing from the place of occurrence after burning the house. Other witnesses, who came at the place of occurrence, did not say before the police that they had seen the appellants fleeing from there. Therefore, apparently the appellants have been falsely implicated on suspicion due to old enmity.

Considering the facts that informant cannot be disbelieved at this stage as well as the fact that there is finding of the Investigating Officer regarding commission of arson in the house of informant, it is not a fit case for anticipatory bail. Accordingly, prayer is refused and this appeal stands dismissed.

(Birendra Kumar, J)

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