

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1541 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- PARAIYA District- Gaya

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1. SURESH NONIYA Son of Chamaru Noniya Resident of Village- Muraidih Dumara Barora, P.S.- Dhanbad, District- Dhanbad (Jharkhand).
 2. Bishwajeet Yadav Son of Baijnath Yadav, Resident of Village-Dadapi, P.S.- Paraiya, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prithivi Raj Singh
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 07-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 06.03.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Paraiya P.S. Case No. 23 of 2019 registered under Sections 147, 148, 149, 435, 436, 427, 429 and 387 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

15 named and 40-50 unknown miscreants including the appellants are said to have damaged the house of the informant, Ganesh Manjhi and Dhanuk Manjhi by JCB machine and set ablaze their house resultantly their house and household



articles reduced into ashes.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case as they had opposed the informant, Ganesh Manjhi and Dhanuk Manjhi from constructing their huts on the land left for widening of the road, but the aforesaid persons have constructed house on the said land. Independent witness in Para-32 of the case diary has stated that regarding aforesaid dispute Land Dispute Redressal Case No. 72/2017-18 was lodged and D.C.L.R. directed the C.O. to make measurement of the land and both the parties were informed to be present at the time of measurement. He further stated that on the date of measurement of land, informant and others set their huts ablaze themselves in order to create evidence against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. I.O. has not found any sign of burning of the house and household articles at the place of occurrence. Appellants happen to be owner and driver of the JCB machine. They have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Paraiya P.S. Case No. 23 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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