

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2106 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- RAMNAGAR District- West Champaran

BIRBAL PATEL @ SURAJ KUMAR @ SURAJ PATEL S/o Prayag Patel R/o
village- Muzra Dhush, P.S.- Ramnagar, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 11.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Ramnagar P.S. Case No. 05 of 2019, registered under Sections 436, 504/34 of the Indian Penal Code and also under Section 3 (1) (r) (z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of encroaching the land of the temple



appellant along with three named accused persons are said to have torched the house of the informant. The houses of Shrawan Ram and Mangal Ram located adjacent to the aforesaid house were also burnt and household articles kept in the house were reduced into ashes.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. As a matter of fact, informant has encroached the land of the temple and on protest made by the appellant the informant has himself torched his house to create evidence against the appellant and falsely implicate him in this case. He has no criminal antecedent. He has been languishing in custody since 10.1.2019.

On the other hand learned Spl. P.P. for the State opposing the prayer for bail submitted that appellant along with other accused persons has torched the dwelling house of the informant. Two other dwelling houses located adjacent to the house of the informant were also burnt. Learned Special P.P. further submitted that witness in para-6 of the case diary has supported the aforesaid occurrence. I.O. has also found the aforesaid houses and the household articles burnt at P.O. hence he does not deserve bail.



Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail. Accordingly, prayer of bail, is hereby rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months after framing of charge in the case.

Accordingly, the aforesaid appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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