

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2568 of 2019

Arising Out of PS. Case No.-1162 Year-2018 Thana- SAHARSA District- Saharsa

1. RAVINDRA YADAV S/O Deo Narayan Yadav @ Debo Yadav Resident of Village- Kahra, Ward No. 10, P.S.- and District- Saharsa.
2. Dandil Yadav @ Jaintil Yadav @ Jentil Kumar S/O- Brahmi Yadav Resident of village- Kahra, Ward No. 10, P.S. and District- Saharsa.
3. Pradeep Yadav S/O- Yogendra Yadav Resident of Village- Ghogsam, O.P. Kanariaya, P.S. Bakhtiarpur, District- Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisuzzoha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-09-2019 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 08.05.2019 passed by learned 3rd Addl. Sessions Judge cum Special Judge, Saharsa in Saharsa Sadar P.S. Case No. 1162 of 2018 registered under Sections 341, 323, 436, 354, 427, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Five named accused persons including the appellants and 2-3 unknown miscreants descended at the house of the



informant in the mid night and committed heist in her house. Devnarayan Yadav and Ravindra Yadav sprinkled kerosene oil at her house while Gajendra Yadav set her house ablaze. Subsequently her household articles reduced into ashes and a cow was burnt to death. They also assaulted the informant and her two daughters and slated them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to property dispute. Informant is in habit of lodging cases against different persons taking money. She has lodged several cases with different allegations against different persons. Aforesaid case has been lodged by the informant at the instance of other persons who are having land dispute with the appellants. Independent witnesses in the case diary have unanimously stated that there is property dispute between the parties. Appellants were not seen at the place of occurrence at the time of occurrence. None of the independent witnesses supported the occurrence of assaulting the informant and her daughters and slating them in the name of their caste. Though I.O. has found hut of the informant burnt but he has not found any household articles burnt in the hut. The allegation levelled against the appellants is not specific rather



general and omnibus in nature..

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 A.D.J.-III cum Special Judge, SC/ST, Saharsa in connection with Saharsa Sadar P.S. Case No. 1162 of 2018, 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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