

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2447 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- VIJAYEPUR District- Gopalganj

1. Shubham Tiwari Son of Dayanath Tiwari Resident of Village- Badhara, P.O.- Jagdishpur, P.S.- Vijaipur, District- Gopalganj.
2. Aakash Pandey Son of Late Hare Ram Pandey Resident of Village- Badhara, P.O.- Jagdishpur, P.S.- Vijaipur, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No.5

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 20.05.2019 passed by learned 1st Addl. District Judge Gopalganj in Vijaypur P.S. Case No. 12 of 2019 registered under Sections 341, 323, 427, 435, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have extended threatening to the informant of torching his eatery on not according them



eatable items free of cost in the evening of the date of occurrence slating him in the name of his caste, and in the night at around 10:30 PM, they torched his eatery located in the hut by sprinkling kerosene oil.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, some altercation took place between the informant and the appellants over according the eatable times to them by the informant free of cost and in the night of the occurrence, unfortunately, his shop located in a straw hut was burnt due to breaking fire during the course of cooking and the informant falsely implicated the appellants in the case due to aforesaid altercation taken place between them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant is not eye witness of the occurrence. Appellants have no criminal antecedent and have been languishing in custody since 09.05.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail 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 1st Addl. District Judge Gopalganj in connection with Vijaypur P.S. Case No. 12 of 2019.

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

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

