

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2992 of 2019**

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

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Bittu Yadav @ Bitu Yadav @ Vitu Kumar S/o Kuldeep Yadav R/o Awadhpur,
P.S.- Paraiya, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 23-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 15.05.2019 passed by learned Exclusive Special Court, Gaya in connection with Paraiya P.S. Case No. 23 of 2019 registered under Sections 147, 148, 149, 435, 436, 427, 429 & 387 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

15 named and 40-50 unknown miscreants including



the appellant 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 appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case as he 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 appellant 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. He has no criminal antecedent and has been languishing in custody since



11.02.2019. Similarly situated co-accused Deonandan Yadav has been enlarged on regular bail by this Court vide order dated 20.06.2019 in Cr. Appeal (SJ) No.1372 of 2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, Gaya in connection with Paraiya P.S. Case No.23 of 2019.

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

(Prakash Chandra Jaiswal, J)

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