

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3078 of 2019**

Arising Out of PS. Case No.-73 Year-2019 Thana- PANAPUR District- Saran

1. JAGNARAYAN SINGH @ JAG NARAYAN SINGH Son of Late Sitaram Singh Resident of Village- Dhanauti, P.O.- Mashrakh, P.S.- Panapur, District- Saran at Chapra.
2. Ramjee Singh @ Ramji Singh Son of Late Sitaram Singh Resident of Village-Dhanauti, P.O.-Mashrakh, P.S.-Panapur, District-Saran at Chapra.
3. Satyendra Singh @ Satendra Singh Son of Late Ramjee Singh @ Ramji Singh Resident of Village-Dhanauti, P.O.-Mashrakh, P.S.-Panapur, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jsandeep Kumar, Advocate. Mr. Jeetendra Narayan, Advocate.
For the Informant	:	Mr. Nalin Kumar, Advocate.
For the State	:	Mr.Sadanand Paswan, Spl. PP.

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

ORAL ORDER

5 19-09-2019 Heard learned counsel for the appellants, learned counsel for the informant 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 06.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in Panapur P.S. Case No. 73 of 2019 registered under Sections 341, 323, 379, 354 and 436/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.



While the informant along with her family members was sitting in her hut, all the three appellants abruptly intruded into her hut and slating her in the name of her caste started assaulting her. They tore her attire and snatched her Mangalsutra and on protest made by the informant appellant Satyendra Singh torched her hut resultantly her hut and household articles were reduced into ashes. The bone of contention is said to be land dispute between the parties and pendency of the case in the court of Sub-Judge-XIV, Chapra.

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 due to land dispute. Appellant Jagnarayan Singh has lodged Title Suit No. 65 of 2019 against the informant and her husband. Gotiya of the appellants namely Awadhesh Singh has sold out the land of the appellants to the informant mistakenly and subsequently realizing his fault he has executed deed of cancellation on 02.01.2015. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Slating the informant is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made



out against the appellants. The allegation of theft is super addition. Informant has herself set ablaze her hut to create evidence against the appellants. Appellants have no criminal antecedent. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the bail petition submitted that besides committing other occurrence, appellant Satyendra Singh torched the hut of the informant resultantly her hut and household articles were reduced into ashes. Informant and other witnesses have supported the aforesaid occurrence and I.O. has also found the hut, attire, etc. burnt at the place of occurrence, hence appellant Satyendra Singh does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant Satyendra Singh on bail. His prayer for bail is rejected.

So far as appellant nos. 1 and 2 are concerned, they are directed to 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 1st Addl. Sessions Judge cum Special



Judge, SC/ST Act, Saran at Chapra in connection with Panapur
P.S. Case No. 73 of 2019, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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