

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4326 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- DINARA District- Rohtas

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1. GYANCHAND SINGH Son of Haridwar Singh Resident of Village- Saroser, P.S.- Dinara, District- Rohtas.
 2. Bullu Singh Son of Dharmraj Singh Resident of Village- Saroser, P.S.- Dinara, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-10-2019 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 23.08.2019 passed by learned 1st Addl. Sessions Judge, Rohtas at Sasaram in Dinara P.S. Case No. 35 of 2019 registered under Sections 504, 506 and 436/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Seven named accused persons including the appellants arriving at the land of the informant on 13.01.2019 extended threatening of torching his hut meant for tying cattle and keeping Nad, straw, etc. and asked him to vacate the land



and subsequently on 25.01.2019 Bullu Singh sprinkled kerosene oil on his hut while Gyanchand Singh torched the same and made good their escape.

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 and previous animosity. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Hut in question is not dwelling house rather is meant for tying cattle etc. Moreover I.O. has not found any hut burnt at the place of occurrence which goes to rule out the prosecution case. Appellants have no criminal antecedent. Co-accused persons namely Dharmraj Singh and others have been enlarged on anticipatory bail by this Court vide order dated 02.09.2019 passed in Cr. Appeal (SJ) No. 3680 of 2019.

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 1st Addl. Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No. 35 of 2019, 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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