

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1133 of 2020

Arising Out of PS. Case No.-334 Year-2019 Thana- SULTANGANJ District- Bhagalpur

1. Mithilesh Sharma @ Mithilesh Kumar Sharma Son of Umesh Sharma Sharma Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.
2. Shyam Sharma @ Shyama Nand Sharma Son of Late Anant Lal Sharma Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.
3. Manno Sharma @ Manoranjan Kumar Sharma Son of Shyam Sharma @ Shyama Nand Sharma. Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.
4. Umesh Sharma @ Umesh Kumar Sharma Son of Late Anant Lal Mandal Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.
5. Anil Mandal @ Anil Sharma Son of Late Jyala Prasad Shama Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.
6. Anjani Kumar Sharma @ Dablu Sharma Son of Shyam Sharma @ Shyamanand Sharma Resident of Village/Mohalla- Motichak, P.S.- Sultanganj, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Swapnil Kumar Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-09-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 12-02-2020 passed by learned A.D.J.-III cum Special Judge, Bhagalpur in A.B.P. No. 209 of 2020 (arising out of Sultanganj P.S. Case No. 334 of 2019) registered for the offence punishable under Sections 427, 429, 436, 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was



rejected.

As per the prosecution case, on 24-12-2019 at about 1:15 AM (night), all the FIR named persons including appellants set on fire the shop of the informant, in which, fridge, gas burner with two cylinder, other valuable articles and cash of Rs. 40,000/- were ablaze. It is further alleged that in the occurrence, informant's two brothers were also got burn injury, as they were sleeping in said shop and saw all the accused persons there.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case due to land dispute. It is further submitted that the shop is situated on a disputed land for which Title Suit No. 102 of 2014 is pending.

Considering the aforesaid facts & circumstances as well as the fact that there is specific allegation against the appellants of setting on fire the shop of informant, I am not inclined to interfere with the order impugned and grant them anticipatory bail.

Accordingly, the appeal stands dismissed.

(Prabhat Kumar Singh, J.)

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