

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.864 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- KATEYA District- Gopalganj

1. Prem Kishore Chaubey, (Male), aged about 40 years, Son of Shyam Bihari Chaubey, Resident Of Village- Jaisauli, Police Station - Kateya, District - Gopalganj.
2. Shailesh Chaubey, (Male), aged about 30 years, Son of Satyendra Chaubey, Resident Of Village- Jaisauli, Police Station - Kateya, District - Gopalganj.
3. Satyendra Chaubey, (Male), aged about 60 years, Son of Kapildeo Chaubey, Resident Of Village- Jaisauli, Police Station - Kateya, District - Gopalganj.
4. Sandeep Chaubey, (Male), aged about 25 years, Son of Satyendra Chaubey, Resident Of Village- Jaisauli, Police Station - Kateya, District - Gopalganj.
5. Bikash Chaubey @ Vikash Chaubey, (Male), aged about 20 years, Son of Santosh Chaubey, Resident Of Village- Jaisauli, Police Station - Kateya, District - Gopalganj.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Ravindra Kumar, Advocate.
For the Respondent : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 02-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants are directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the



appellants in connection with Kateya P.S. Case No. 05 of 2020, registered for the offences under Sections 427, 435/34 of the I.P.C. and Sections 3(1)(r), 3(2)(va) of the SC/ST (POA) Act.

The prosecution case, in short, is that on 19.06.2020 at about 11.30 P.M., in the night, appellants on two motorcycles came at the house of the informant and in front of her door, they stopped the motorcycles. Having heard the sound, she came to see then she saw out of six persons, two were setting fire on her hut and four were standing there. Prem Kishore Chaubey (Appellant no. 1) was sprinkling petrol and Sandeep Choubey (Appellant no. 4) was lighting the match box then she shouted. In the meantime, they fled away on their motorcycles. She alongwith her family members started to put out the fire but it was not put out and all articles kept in hut i.e., wheat, clothes, chair, Harmonium, Casio and Hens were burnt. She has specifically named the six accused persons including the appellants.

It has been submitted on behalf of the appellants that the appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. As per allegation, the occurrence is said to have taken place at 11.00 P.M. in the night. The source of



identification has not been disclosed by the prosecution. There is admitted land dispute between the parties. An order of eviction has also been passed against the informant by the Circle Officer. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 06.03.2020, passed in connection with Kateya P.S. Case No. 05 of 2020 (A.B.P. No. 344 of 2020) by learned Ist Additional Sessions Judge, Gopalganj, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Ist Additional Sessions Judge, Gopalganj, in connection with Kateya P.S. Case No. 05 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of



eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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