

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5386 of 2019**

Arising Out of PS. Case No.-259 Year-2014 Thana- WAJIRGANJ District- Gaya

1. PINTU SINGH Son of Anandi Singh Resident of Village-Bichha P.S.-  
Wazirganj District- Gaya.
2. Nawal Singh Son of Brahmdeo Singh Resident of Village-Bichha P.S.-  
Wazirganj District- Gaya.
3. Mukul Singh Son of Naval Singh Resident of Village-Bichha P.S.-  
Wazirganj District- Gaya.
4. Gaurav Singh Son of Sanjay Singh Resident of Village-Bichha P.S.-  
Wazirganj District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

7      10-08-2021                      Heard Mr. Prithivi Raj Singh, learned counsel  
for the appellants and Ms. Usha Kumari-1, learned Spl.  
PP for the State.

The appellants have challenged the order dated 19.11.2019 passed by the learned Spl. Judge, SC/ST, Gaya in A.B.P. No. 293 of 2019 arising out of Wazirganj P.S. Case No. 259 of 2014, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 436 of the Indian Penal Code and Sections 3(2)(iii) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that while the



informant had gone out of his house along with his family members to attend a marriage function, one Pappu Singh of the same village along with his associates including the petitioner came and set his house on fire. So far as the appellants are concerned, except for their being alleged to be present at the time when co-accused Pappu Singh had set the house on fire, nothing else has been attributed against them.

Finding the accusation against the appellants to be absolutely false, final report was submitted in their favour on 08.12.2014.

However, according to the learned counsel for the appellants, differing with the police report, the Special Court has taken cognizance of the offence on 03.02.2016 under Section 436 of the IPC and Sections 3(2)(iii) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellants has also stated that none of the offences, either under the IPC or under the SC/ST (Prevention of Atrocities) Act, can at all be said to have been made out against the appellants. In fact, the appellants had no idea that the police report in their favour has not been accepted and cognizance has been taken against them. Precisely for this reason, the petitioners remained unaware of the developments in this case and a proceeding under Sections 82 and 83



Cr.P.C. was initiated. An order has been passed under Section 82 Cr.P.C., but the proclamation under 83 is still awaited.

Under such circumstances, I am not inclined to grant anticipatory bail to the appellants.

Accordingly, this appeal is rejected.

However, it is observed that in the aforesaid background facts, if the appellants surrender before the court below and seek bail, their application shall be considered on its own merits, taking into account all the above noted facts and an order shall be passed without being prejudiced by the fact that the present petition on their behalf has not been entertained.

The appeal stands disposed off accordingly with the aforenoted observations.

**(Ashutosh Kumar, J)**

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