

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4022 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- BAISI District- Purnia

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1. ABU KALAM @ KABUL S/o LATE JAHIR, R/o VILLAGE-NIYAMATPUR, P.S-BAISI, DISTRICT-PURNEA, BIHAR.
 2. MD. SAIDUL @ MD. SAIRUL S/o LATE JAHIR, R/o VILLAGE-NIYAMATPUR, P.S-BAISI, DISTRICT-PURNEA, BIHAR.
 3. MD. KAMRUL S/o LATE JAHIR, R/o VILLAGE-NIYAMATPUR, P.S-BAISI, DISTRICT-PURNEA, BIHAR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pinky Devi wife of Rajesh Ram, R/o- vill Niyamatpur, Hanjhwa, ward no-14 P.S.- Baisi, Dist- Purnia.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms.Preety Kunwar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr. Rajeev Ranjan, Advocate Mr. Rananjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 26.07.2021 passed by the learned 1st



Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 63/2021, arising out of Baisi P.S. Case No. 148 of 2021 registered for offence punishable under sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 435, 436, 363, 504, 506 of the Indian Penal Code and sections 3 (i) (r) (s) (e), (g), (w), (i), (2), 3 (i), (w), (i), 3 (2) (v), (a), 3 (2), (iii), (iv), (v), (va) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, On 19.05.2021, in the night at about 11.00 P.M., sixty named accused persons along with hundred unknown persons, carrying gallon of petrol, committed arson in residential *basti* of the members of scheduled caste and a number of houses were burnt to ashes. The vivid description has been given in the FIR. Seven houses were burnt and a three year old son of Pratap Harizon, namely, Diwana Kumar is still traceless.

The learned counsel for the appellants has submitted that the appellants are innocent, they have falsely been implicated in this case and the entire village has been made accused on the basis of false allegation.

On the other hand, the learned counsel for the informant has submitted that a huge mob of accused persons,



including the appellants committed arson in the *basti* of scheduled caste category and seven houses of scheduled caste community were burnt to ashes and a three year old boy is still traceless. He has submitted further that some other co-accused have been granted regular bail, but it is anticipatory bail.

Considering the above-mentioned facts and circumstances, it is not a fit case for anticipatory bail. Accordingly, the prayer for anticipatory bail is hereby rejected.

If the appellants surrender before the court below and make a prayer for regular bail, it shall be disposed of on its own merit and the learned court below may take notice of the fact that other co-accused persons have been granted regular bail.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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