

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4895 of 2021

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

GAUSH MUKHIYA @ GHULAM GOUSH Son of Md. Faruque Resident of
Village - Harintod, P.S.- Baisi, Distt.- Purnia.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pinki Devi Wife of Rajesh Rai Resident of Village-Niyamatpur majhuva,P.S-
Baisi,Purnia

... .. Respondent/s

Appearance :

For the Appellant/s	:	None
For the Informant	:	Mr.Rajiv Ranjan
	:	Mr.Binay Krishna

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

ORAL ORDER

4 20-09-2022 Despite repeated calls, no appeared on behalf of the
appellant. The learned counsel for the informant and learned
APP for the State are, however, present.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 25.10.2021 in
connection with Baisi P.S.Case No. 148 of 2021 registered for
the offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 354(B), 379, 435, 436, 363, 504 and 506 of the Indian
Penal Code and Sections 3(i)(r)(s)(e)(g)/(w)(i)/(2)/3(i)(w)(i)3(2)
(iii)(iv)(v)(va)/3(2)(v)(a) of SC and ST (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the
appellant has been rejected.

As per allegation, on 19.05.2021 in the night at about
11.00 p.m., 61 named accused persons along with 100 unknown
persons including the appellant carrying the gallon of petrol
committed arson in the residential *Basti* of the members of the



Scheduled Castes and number of houses were burnt to ashes. The vivid description has been furnished in the FIR. Altogether seven houses were burnt to ashes and three-year-old son of Pratap Harijan namely Diwana Kumar is still traceless.

The learned counsel for the informant as well as the learned Special P.P. for the State have opposed the prayer for bail and submitted that on similar footing the anticipatory bail petition of co-accused persons have been rejected, vide order dated 04.08.2022 in Cr.Appeal (SJ) No. 4022 of 20921.

Considering the facts and circumstances, the appellant is not entitled for anticipatory bail which is hereby rejected.

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

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

