

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3401 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- KHODAWANDPUR District- Begusarai

SHANKAR YADAV S/O LATE KHALAT YADAV R/O VILLAGE- DIHI,
PS. KHODAWANDPUR (CHHAURAH O.P) DIST. BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. SURENDRA MALIK S/O LATE MAHENDRA MALIK R/O VILLAGE-
DIHI, PS. KHODAWANDPUR, DIST. BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Kumar

For the Respondent/s : Mr. Sandip Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 27.06.2023 passed by learned
Exclusive Special Judge SC/ST (POA) Act, Begusarai
whereby the prayer for bail of the appellant in connection
with Khodawanpur (Chhaurahi O.P.) P.S. Case no. 140 of
2023 under Sections 341, 323, 436, 504, 506/34 of the Indian
Penal Code and sections 3(i)(r)(s)/3(2-v) of SC/ST Act was
rejected.

3. As per prosecution case, while the informant was



sleeping along with his family members at his house in the night, the accused persons including appellant came at his house and burnt down his house, abusing with caste narrated words. They also gave threatening to kill him if he will not remove his house from there. It is further alleged that all the utensils, clothes, cash and silver total of Rs. 43,000/- burnt to ashes.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity. There is no specific allegation against the appellant rather the allegation is general and omnibus. The specific allegation against co-accused Vikash Kumar who burnt down the house of the informant. There is no direct and cogent evidence against the appellant. No any person has sustained burn injury in the alleged occurrence so, this case does not come under the purview of Section 436 of IPC. Only mischief occurred and alleged to set fire due to which some household articles burnt to ashes. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no criminal antecedent and he is languishing in



judicial custody since 15.05.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Khodawanpur (Chhaurahi O.P.) P.S. Case No. 140 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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