

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3385 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- BEERPUR District- Begusarai

BITTU RAI @ KHAKHARA @ KHHAKHRA RAI S/O BHOLA RAI @
BHOLA SINGH R/O VILLAGE- BIRPUR PURBI, PS. BIRPUR, DIST.
BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. FULO DEVI W/O DHARAM PASWAN R/O VILLAGE- BIRPUR PURBI,
PS. BIRPUR, DIST. BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Binay Krishna

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 06.07.2023 passed by learned
Exclusive Special Judge SC/ST (POA) Act, Begusarai
whereby the prayer for bail of the appellant in connection
with Birpur P.S. Case no. 33 of 2023 under Sections 436, 504,
506 of the Indian Penal Code and sections 3(i)(r)(s)/3(2) v) of
SC/ST (POA) Act was rejected.

3. As per prosecution case, while the informant was
while the informant was cooking at her home then petitioner



along with other accused person came there and started abusing with caste narrated words and threaten her to vacate the land on the point of pistol. When the informant object then both the accused persons caught her hand with bad indentation. On her hulla, accused persons fled away from there while set on fire to her house due to which some household articles burnt.

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 some land dispute between the parties. The F.I.R. has been lodged after the delay of two days. There is no eye witness of the alleged occurrence who deposed anything against the appellant during investigation. 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. The appellant 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 11.04.2023.

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 06.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Birpur P.S. Case No. 33 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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