

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4439 of 2021

Arising Out of PS. Case No.-90 Year-2019 Thana- SC/ST District- Rohtas

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1. Bipin Bihari Dubey Son of Late Radhe Krishn Dubey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.
 2. Nitesh Kumar @ Nitesh Dubey Son of Bipin Bihari Dubey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.
 3. Arbind Kumar @ Arbind Kumar Dubey Son of Late Anirudh Dubey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.
 4. Vinay Kumar Dubey Son of Late Anirudh Dubey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.
 5. Chandan Kumar Dubey @ Chandan Pandey Son of Late Kamlesh Pandey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.
 6. Pankaj Kumar @ Pankaj Kumar Pandey Son of Late Kamlesh Pandey Resident of Village - Durgapur, P.S. - Indrapuri, District - Rohtas.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Fool Kumari Devi W/O Sudarshan Paswan R/O Village- Durgapur, P.S- Indrapuri, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf
of the appellants for grant of anticipatory bail against the order
dated 24.08.2021 passed by learned 1st Additional District and
Sessions Judge-cum-Special Judge SC/ST (Prevention of
Atrocities Act), Sasaram, Rohtas in connection with SC/ST



Dehri P.S. Case No. 90 of 2019 under Sections 147, 148, 149, 436, 354(B), 504, 506, 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on the alleged date and time of occurrence, all the FIR named accused persons including appellants, came at the house of informant, abused her by caste name, misbehaved with her and set the house of informant on fire.

It is submitted on behalf of the appellants that as a matter of fact, the informant and her family members want to grab a piece of land having 1.94 acre which is in the name of Late Radheshyam Dubey the ancestor of the appellant nos. 1 to 4 and due to this reason informant lodged one after another false case. There is case and counter case. Allegation is general and omnibus. No specific overt act has been alleged against these appellants. During course of investigation, it has come that informant's sister-in-law namely Kanchan Devi herself set on fire her cottage which was constructed forcefully on the land of appellants. No case under SC/ST Act is made out, as the



occurrence has not taken place within public view.

Counsel for informant however, vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 24.08.2021 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA Act), Rohtas, Sasaram is set aside.

Let the appellants nos. 1, 2, 3, 4, 5, and 6 above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge SC/ST (POA Act), Rohtas, Sasaram in connection with SC/ST Dehri P.S. Case No. 90 of 2019.

(Prabhat Kumar Singh, J)

vinita/-

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