

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3516 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- MAHNAR District- Vaishali

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1. UMESH RAI Son of Satya Narayan Rai Resident of Village - Sheikhpura Katarbanni, P.S. - Mahnar, District - Vaishali.
 2. Chandan Rai @ Chandan Kumar Son of Umesh Rai Resident of Village - Sheikhpura Katarbanni, P.S. - Mahnar, District - Vaishali.
 3. Mohan Rai @ Mohan Kumar Son of Ratan Rai @ Ratan Lal Rai Resident of Village - Panapur, Hargovindpur, P.S. - Mahnar, District - Vaishali.
 4. Ratan Lal Rai @ Ratan Rai Son of Dayalu Rai Resident of Village - Panapur, Hargovindpur, P.S. - Mahnar, District - Vaishali.
 5. Ranjan Kumar @ Ranjan Rai Son of Sudama Rai Resident of Village - Panapur, Hargovindpur, P.S. - Mahnar, District - Vaishali.
 6. Chandan Kumar @ Chandan Rai Son of Sudama Rai Resident of Village - Panapur, Hargovindpur, P.S. - Mahnar, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Siharan Chaudhary Son of Lala Chaudhary Resident of Village - Karnauti, P.S. - Mahnar, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Himanshu Shekhar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
		Mr.Anil Kumar, Advocate
		Mr.Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-04-2023 Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 11.08.2022 passed by learned Special Judge, SC / ST, Vaishali at Hajipur in Mahnar P.S. Case No. 131 of 2022 registered for the offence punishable under Sections 427, 436, 504, 506, 34 of the



Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants was rejected.

It is alleged that on 15.05.2022, the informant was informed that all the F.I.R. named accused persons including these appellants have set the house of the informant on fire, due to which, his house-hold goods have burnt. On protest, the accused persons abused the informant by calling his caste name.

Learned counsel for the appellants submits that informant is not eye-witness to the occurrence and only on suspicion, petitioners have been made accused in this case. It is admitted fact that informant had purchased a part of khesra no. 1616, while the hut was planted in khesra no. 1616 and 1615, which is land of the appellants. He next submits that the present case is in retaliation of Mahnar P.S. Case No. 130 of 2022 lodged by the informant side. The alleged occurrence has taken place in the midnight of 15.05.2022, whereas information to police was given on 16.05.2022. It is not the case of the prosecution that any member of the public was present at the time of occurrence and as such, no case under the SC/ST Act is made out.



The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 11.08.2022, so far as these appellants are concerned, is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants 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 learned Special Judge, SC / ST, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 131 of 2022.

(Prabhat Kumar Singh, J)

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