

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4076 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- MAJHAULIA District- West Champaran

Shatrudhan Prasad @ Shatrughan Prasad Son Of Late Thakur Prasad Resident
Of Village- Balirampur, P.S.-Majhauria, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Brajesh Paswan Son of Ramjee Paswan Resident of Village- Balirampur,
P.S.- Majhauria, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra
	:	Mr. Bashishta Narayan Mishra
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-04-2023 Heard learned counsel for the appellant, informant
and learned Special P.P for the State.

The appellant has challenged the order dated 02.11.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge SC/ST Act, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 274 of 2021 instituted for the offences punishable under Section 447, 436, 427, 307/34 of the Indian Penal Code, Section 3(i)(r)(s) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is alleged by the informant that due to previous



dispute, all the F.I.R named accused persons including the appellant came in the night at the house of the informant with diesel, petrol and matchbox and set the house of the informant on fire as a result of which his mother, Kanchaniya Devi, his daughter Kajal Kumari and his Bhagani Deep Jyoti burned completely.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case due to previous dispute. The informant is not eye witness to the alleged occurrence. There is general and omnibus allegation of putting the house of the informant on fire against all the F.I.R named accused persons including the appellant. During investigation, in para 51 to 54 of the case diary, the independent witnesses have stated that it was an accidental fire. The appellant is in custody since 20.09.2022. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

Learned Special P.P appearing on behalf of the State and informant have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court



deems it appropriate to set aside the order dated 02.11.2022 passed by learned Additional District & Sessions Judge-I-cum-Special Judge SC/ST Act, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 274 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge SC/ST Act, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 274 of 2021.

(Sunil Kumar Panwar, J)

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