

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4536 of 2023

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

1. Vikash Yadav @ Bikesh Yadav @ Bikesh Kumar Son Of Late Ramu Yadav Resident Of Village Diha P.S. Khodawanpur Distt Begusarai
2. Lalan Yadav @ Lali Yadav Son Of Late Khalat Yadav Resident Of Village Diha P.S. Khodawanpur Distt Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Mallik Son of Late Mahendra Mallik RESIDENT OF VILLAGE DIHA P.S. KHODAWANPUR DISTT BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarvottam Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 13.09.2023 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellants 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 (POA) 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 person including appellants 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 appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case due to malicious motive and dirty village politics. The informant and appellants are resident of same same village and all dispute arises due to land dispute. General and omnibus allegation has been levelled against the appellants. During investigation, except the police personnel no other witnesses have supported the prosecution case. 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. The appellants have 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 them. The other co-



accused Shankar Yadav has already been granted bail by this Bench vide order dated 02.11.2023 passed in Cr.Appeal (SJ) No. 3401 of 2023. The appellants have no criminal antecedent and they are languishing in judicial custody since 22.08.2023.

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

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.09.2023 is hereby set aside.

7. The appellants are 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) each 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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