

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.487 of 2024**

Arising Out of PS. Case No.-509 Year-2023 Thana- PURNEA SADAR District- Purnia

1. Hardev Sharma son of Ram Briksh Sharma Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
2. Sita Ram Sharma son of Ram Briksh Sharma Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
3. Lal Bahadur Sharma son of Sri Chhatu Sharma Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
4. Bam Nandan @ Nandan Singh son of Late Aklu Singh Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
5. Pintu Sharma @ Pintu Kumar Sharma son of Sri Hardev Sharma Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
6. Arvind Yadav son of Late Yogesh Yadav Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea
7. Jivan Sharma @ Jitendra Sharma son of Late Ram Briksh Sharma Village- Maharajpur Pokhariya Ps- Sadar Mufassil Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi wife of Sri Bechan Rishi Village- Maharajpur Bishwarupa Ghat Pokhariya Ps- Sadar Mufassil Dist- Purnea

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      12-03-2024                      1.      Heard learned counsel for the appellants and learned Spl. P.P. for the State along with learned counsel for respondent No. 2.

2.      This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST



Act”) against the refusal of prayer for anticipatory bail vide order dated 22-12-2023 in A.B.P. No. 141 of 2023/CIS No. 141 of 2023, passed by the learned Special Judge S.C./S.T. (POA) Act, Purnea in connection with Sadar (Mufassil) P.S. Case No. 509 of 2023 registered for the offences punishable under Sections 427 and 436 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the entire family members have been implicated by the informant on account of dispute relating to land. It is further submitted that appellants have antecedent of one case under the SC/ST Act and the the said case was also instituted by the informant in which police, after investigation, submitted final form exonerating the appellants of the allegations. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that though informant alleges that the husk house was burnt to ashes by the appellants, but then the allegations are general and omnibus in nature, i.e., the informant does not specifically allege that as to who amongst the accused were instrumental in setting the husk house on fire. It is also submitted that this amply demonstrates that the informant either is not an eyewitness to the occurrence or for some ulterior



reason has instituted the present case falsely implicating the appellants. It is also submitted that had the informant seen the occurrence in that event, she would have specifically named that who amongst the accused were instrumental in setting the husk house on fire. It is next submitted that though in the FIR, it is alleged that the accused persons, including the appellants fled on arrival of the villagers, but then the name of the villager is also not disclosed in the FIR, which further demonstrates that the occurrence was not witnessed by any independent witnesses. It is also submitted that had any villager on alarm would have come to the place of occurrence, then the informant would have given their name also in the FIR.

4. The learned Spl.PP and the learned counsel appearing on behalf of the Respondent No.2 oppose the anticipatory bail application of the appellants, but are not in a position to rebut the submission of the learned counsel for the appellants that the allegations against the accused persons are general and omnibus in nature, and the name of the villagers is not disclosed in the FIR, as such, the occurrence was not witnessed by any independent witnesses.

5. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the impugned order dated 22-12-2023 is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

SUMIT/-

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