

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.484 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Deepak Patel son of Birendra Patel Resident of village- Bishunpura
Murarpatti Ps Raghunathpur District- siwan Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalsa Devi wif eof Jugosh Baitha Village- Bishunpura Murarpatti Ps-
Raghunathpur Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Yogesh Kumar, Advocate
For the Informant	:	Mr.Prashant Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 10.01.2024 passed by learned First
Additional Session Judge-cum-Special Judge (SC/ST Act),
Siwan, whereby the prayer for bail of the appellant in
connection with Raghunathpur P.S. Case No. 293 of 2023 under
Sections 436, 504, 506 of the Indian Penal Code and Sections
3(1)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the appellant
set the hut of the informant on fire and ran away abusing him by



the caste name. It is further alleged that due to fire, wheat flour, rice, garments and other household articles got burnt including cash amounting to rupees twenty thousand. It is further alleged that the appellant used to threaten the informant with dire consequences if he would not leave the disputed land.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submitted that no occurrence took place as alleged in the FIR. He further stated that on perusal of the FIR it appears that there was previous dispute between the parties and in personal grudge and vengeance, the informant has falsely implicated this appellant in the present case by setting his hut on fire himself. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 25.12.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, and submitted that various witnesses have supported the fact this petitioner set the hut of the informant on fire which is specifically mentioned in paragraph nos. 3, 4, 7 and 8 of the



case diary.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 10.01.2024 passed by learned First Additional Session Judge-cum-Special Judge (SC/ST Act), Siwan, is hereby set aside.

7. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Raghunathpur P.S. Case No. 293 of 2023.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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