

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4559 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- MAIRWAN District- Siwan

Madan Singh S/O Late Nagina Singh R/O Vill-Gular Baga, Post-English, Ps-Mairwa, Dist-Siwan(Bihar)

... .. Appellant/s

Versus

1. The State Of Bihar
2. Binda Sah S/O Late Chhabila Sah R/O Vill-Gular Bagga, Ps-Mairwa, Dist-Siwan

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 11.09.2023 passed by learned Ist Additional Sessions Judge-cum-Special Judge Siwan whereby the prayer for bail of the appellant in connection with Mairwa P.S. Case no. 75 of 2022 under Section 341, 323, 337, 427, 436, 504, 506, 34 of the Indian Penal Code, and sections 3(i)(r)(s), 3(2)(iii)(iv) of SC/ST PoA Act was rejected.

3. According to prosecution case, the informant has alleged that the appellant and co-accused persons came at his home and after tying him set fire in his house due to which his



buffalo, grain and household articles burnt and turned into ash. It is further alleged that they also tried to push him in fire but any how he managed to escape from the place.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence rather he has been made accused in this case due to previous dispute. There is general and omnibus allegation levelled against the appellant. The appellant has not abused the informant in public view so no offence is made out under the provisions of the SC/ST Act against him. It is also submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.07.2023.

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

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 11.09.2023 passed in Mairwa P.S. Case no. 75 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Mairwa P.S. Case no. 75 of 2022 on furnishing



bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge Siwan.

(Sunil Kumar Panwar, J)

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