

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4543 of 2023

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

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1. BINDESHWAR SINGH @ BINDESHWARI SINGH SON OF LATE SARYUG SINGH RESIDENT OF VILLAGE - MAHRAJPUR, POKHARIYA, P.S. - MUFASSIL, DISTRICT - PURNEA
 2. VIJAY KUMAR @ VIJAY SINGH SON OF SAHDEO SINGH RESIDENT OF VILLAGE - MAHRAJPUR, POKHARIYA, P.S. - MUFASSIL, DISTRICT - PURNEA
 3. SANJAY SINGH SON OF SHIVAJEE SINGH RESIDENT OF VILLAGE - MAHRAJPUR, POKHARIYA, P.S. - MUFASSIL, DISTRICT - PURNEA
- Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SUMITRA DEVI WIFE OF BECHAN RISHI RESIDENT OF VILLAGE - MAHARAJPUR, BISHWAROPA GHAT, POKHARIYA, P.S. - MUFASSIL, DISTRICT - PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Radha Mohan Singh, Adv.
For the Informant	:	Mr. Kumar Manglam, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.pp

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-04-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 24.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 98 of 2023, CIS No. 98 of 2023 arising out of Sadar (Mufassil) P.S. Case No.



509 of 2023 dated 04.06.2023 registered for the offence/s punishable u/ss 427 and 436 of the Indian Penal Code and 3(1)(r)(s) / 3(2) (Va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have burnt the house of the informant by sprinkling Kerosene oil. They also forbade her from doing worship in the temple and abused her by calling her caste name.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is no sign of any evidence of burning of the house of the informant at the place of occurrence. The said burnt house is not a residential house. The Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellants have one criminal antecedents as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 24.08.2023 passed by the learned Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 98 of 2023, CIS No. 98 of 2023 arising out of Sadar (Mufassil) P.S. Case No. 509 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Purnea in A.B.P. No. 98 of 2023, CIS No. 98 of 2023 arising out of Sadar (Mufassil) P.S. Case No. 509 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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