

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.73 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Md. Umar S/O Late Majid @ Md Mazid R/O Village- Bhuidhara, P.S.-
Muffasil, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Fulpari Devi W/O Late Sita Das @ Sito Das R/O Village- Bhuidhara, P.S.-
Muffasil, Distict- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh

For the Respondent/s : Mr. Usha Kumari I

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 06-09-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Ms. Usha Kumari No. 1.
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 regular bail vide order
dated 05.12.2023 passed by the learned Special Judge S.C./S.T.
(POA) Act, Samastipur in connection with Samastipur Muffasil
P.S. Case No. 86 of 2023 registered for the offences punishable
under Sections 436, 506 and 34 of the Indian Penal Code as well
as Sections 3(1)(r)(w) of the SC/ST Act.
3. Learned counsel for the appellant submits that



appellant has antecedent of one case and the informant alleges that on 11.01.2023, she was sleeping in the house, further she woke up in the night to attend nature's call when she saw in light of the bulb that co-accused, Md. Qamar, Nitesh and Bhavesh were sprinkling petrol from bottle on informant's house and the appellant set the informant's house on fire, thereafter, alarm was raised but family members of the informant came and informed the fire brigade and thereafter the fire was controlled.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the present case for the reason that he is brother of Md. Quamar, it is next submitted that a relative of the informant namely, Neva Das executed a sale-deed in favour of Md. Qamar with respect to a piece of land which the informant and her family members intended to purchase on account of which a dispute had arisen in between the informant Neva Das and Qamar.

5. It is further submitted that though it is alleged that the house was put on fire, but then no life was lost. It is next submitted that the appellant will not abscond rather will cooperate in the trial. It is further submitted that appellant is in custody since 13.10.2023.



6. It is also submitted that the appellant is suffering from HIV as would manifest from *Annexure-3* series to the Supplementary Affidavit.

7. Learned Spl. P.P. for the State opposes the prayer for regular bail of the appellant.

8. Considering the submissions and the fact that the appellant is suffering from HIV, the order dated 05.12.2023 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Samastipur Muffasil P.S. Case No. 86 of 2023 registered for the offences punishable under Sections 436, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(w) of the SC/ST Act in connection with Samastipur Muffasil P.S. Case No. 86 of 2023, **is hereby set aside** and the appellant above-named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Muffasil P.S. Case No. 86 of 2023.

9. It is made clear that in the event if the learned trial court comes to a conclusion that the appellant after his release is trying to delay the trial in any manner, the learned trial court



shall be at liberty to cancel the bail bonds of the appellant.

10. Accordingly the appeal stands allowed.

(Satyavrat Verma, J.)

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