

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2967 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SC/ST District- Begusarai

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- 1 . PRITESH KUMAR SON OF ABHIRAM KUMAR @BABUL RESIDENT
OF VILLAGE- BARI AGHU, PS- MUFFASIL, DIST- BEGUSARAI
2. ABHIRAM KUMAR @ BABUL SON OF SATYA NARAYAN SINGH
RESIDENT OF VILLAGE- BARI AGHU, PS- MUFFASIL, DIST-
BEGUSARAI

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. LADDU DAS SON OF LATE AKALU DAS RESIDENT OF VILLAGE-
BARI AGHU, WARD NO. 45 PS- MUFFASIL, DIST- BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 4 09-10-2025 Heard learned counsel for the parties. Despite valid
service of notice , nobody appears on behalf of respondent No.
2.

2. This appeal has been filed for setting aside order dated
12.06.2023 passed in a case registered for the offence
punishable under sections 341 , 323 , 436, 504, 506 and 34 of
I.P.C. and 3(1)(r) (s) , 3 (2) (v) of SC/ST (POA) Act,
whereby the prayer for anticipatory bail of the appellant has



been rejected.

3 . As per the prosecution case , informant namely , Laddu Das alleged that on 23.11.2022 at about 04:00 PM, when informant was fencing his land, then co-accused persons Pradip Kumar @ lalo, Karan @ Vishal Kumar, Suraj Kumar Thakur, Pritest Kumar came and abused him by caste name and threatened him with dire consequences. It is further alleged that at about 12:00 AM, in the midnight, when informant was sleeping in his house then he heard some noise and came outside his house where he saw that appellant No. 2 was carrying five litre gallon in his hand in which diesel was there . Co-accused Pradip Thakur, Karan Kumar @ Vishal Kumar, Suraj Kumar and Abhiram Singh sprinkled diesel on his hut and dragged him out of his house . Thereafter, appellant No. 2 ordered to burn the hut, upon which co-accused Suraj Thakur, Karan Kumar @ Vishal Thakur set hut of informant on fire .

4. It is submitted on behalf of appellants that appellants are innocent and have committed no offence as alleged. Appellant No. 1 , Pritesh Kumar is a student who presently pursuing his master's degree in agriculture from KP Uchch Shikshan Sansthan Jhalva Prayagraj (UP) and on the alleged date of occurrence , he was not present at the place of



occurrence . It is further submitted that appellant No. 2 had purchased a piece of land adjacent to the land of informant, in the name of Lalitesh Kumar and appellant No. 1 Pritest Kumar and when appellants went to demarcate the aforesaid land, a wordy altercation took place between the parties and taking advantage of the situation , this false and concocted case was lodged by informant, only with a view to harass and humiliate these appellants. There is no allegation of any overt act against these appellants. It is further orally submitted that informant does not belong to SC/ST category and as such, no case under SC/ST Act is made out. Rest of the allegations are ornamental in nature to make the case grave . Appellants claim clean antecedent.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the backdrop of the case and also the fact that there is no allegation of any overt act against these appellant and other circumstances of the case , this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Exclusive special
Judge SC / ST (POA) Act Begusarai in connection with SC/ST
Police Station Case No. 02 of 2023 .

(Prabhat Kumar Singh, J)

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