

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1102 of 2019

Arising Out of PS. Case No.-38 Year-2018 Thana- SC/ST District- Khagaria

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1. Ashok Poddar Son of Banarsi Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 2. Gango Poddar @ Ganga Poddar Son of Banarsi Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 3. Sikendra Poddar Son of Banarsi Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 4. Bhola Poddar Son of Paratapi Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 5. Mithilesh Poddar Son of Sita Ram Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 6. Pankaj Poddar Son of Sita Ram Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 7. Ram Bhrosh Poddar Son of Babua Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 8. Sanjay Poddar Son of Ram Bharosh Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 9. Manoj Poddar Son of Ram Bharosh Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 10. Bhusan Poddar Son of Bhola Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 11. Yugandev Poddar @ Indu Bhushan Poddar Son of Bhola Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 12. Rajendra Poddar Son of Bisundev Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 13. Suresh Poddar Son of Bisundev Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.
 14. Rajesh Poddar Son of Sikandar Poddar Resident of Village - Rampur Alauli, Tola- Tilasi, Ward No.-01, P.S.- Alauli, District - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1



**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 09-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 30.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in Khagaria SC/ST P.S. Case No. 38 of 2018 registered under Sections 147, 341, 323, 447, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants started ploughing the field of the informant by means of tractor, and on protest made by the informant, they assaulted him by means of slap and lathi slating him in the name of his caste. When his family members rushed in his rescue, they assaulted them. They also assaulted the women folk intruding into his house.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute. As a matter of fact, the property in question, has



been purchased by the appellant Bhola Poddar and he is in possession thereof. Gram Kachahari, Alauli in dispute between the parties, has found the title and possession of the appellant no. 4 over the property in question. Proceeding under Section 144 Cr.P.C. has also been fought between the parties and preceding to the case under hand, appellant Bhola Prasad has lodged Alauli P.S. Case No. 437/2018 against the informant and others and in order to save his skin from the said case and due to aforesaid property dispute, the informant has lodged this false and frivolous case against the appellants. There were 14 persons present at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste and none has sustained injury in the occurrence. There is inordinate and abnormal delay of 4 days in lodging the FIR without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in connection with Khagaria SC/ST P.S. Case No. 38 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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