

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3070 of 2019**

Arising Out of PS. Case No.-1650 Year-2018 Thana- COMPLAINT CASE District- Jamui

1. Mahendra Poddar Son of Late Anant Lal Poddar Resident of Village - Chakai Bazar, P.S.- Chakai, Dist.- Jamui.
2. Golden Swarnakar Son of Mahendra Poddar Resident of Village - Chakai, Bazar, P.S.- Chakai, Dist.- Jamui.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Munshi Das Son of Late Sahdeo Das Resident of Village - Bhagauna, P.S.- Chakai, Dist.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bharat Lal
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 13-08-2019 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 22.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Jamui in Complaint Case No. 1650C of 2018 registered under Sections 323, 385, 504 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the complainant was proceeding on his



motorcycle, co-accused Sanjay Poddar slated him in the name of his caste and pointing pistol on his chest took away Rs. 35,500/- from his pant. Appellant Golden Swarnakar snatched his wrist watch and appellant Mahendra Poddar wrapping *gamcha* on his neck pulled him and also took out documents from the dickey of his motorcycle. Other named accused persons also assaulted him. Co-accused Sanjay Poddar also demanded Rs. 2 lacs as extortion and extended threatening of dire consequence.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case merely because the complainant has got executed land from the appellant Mahendra Poddar without payment of part of consideration amount to the tune of Rs. 3 lacs and for the said due amount, said appellant gave notice to the complainant on 10.07.2018, which was replied by the complainant on 24.09.2018 and to avoid said payment and mount pressure upon the appellants, the complainant has lodged this false and frivolous case against the appellants and others on 25.09.2018. There is no allegation of slating the complainant in the name of his caste against the appellants and complainant has not sustained injury in the occurrence, hence, no offence under SC/ST Act is made out against the appellants.



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, SC/ST Act, Jamui in connection with Complaint Case No. 1650C 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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