

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4548 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. Subhash Poddar Son of Late Tarni Poddar, Resident of Village - Baluwachak, P.S.- Jagdishpur, Distt - Bhagalpur.
2. Pappu Prasad Poddar @ Narayan Poddar @ Pappu Poddar Son of Subash Poddar, Resident of Village - Baluwachak, P.S.- Jagdishpur, Distt - Bhagalpur.
3. Sanjit Poddar @ Tribhuwan Poddar Son of Subash Poddar, Resident of Village - Baluwachak, P.S.- Jagdishpur, Distt - Bhagalpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Davendra Kumar Pandey, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-12-2019 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 06.08.2019 passed in A.B.P. No. 1600 of 2019 arising out of Jagdishpur P.S. Case No. 157 of 2019 registered under Sections 147, 148, 149, 323, 307, 504, 385, 427, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r) (s), 3(ii), (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur.



Learned counsel for the appellants submits that the present case has been lodged on account of a land dispute, although there are allegations that these appellants had assembled on the place of occurrence and appellant no. 1 had fired from his pistol but that it did not hit anybody, the allegations are only false and frivolous and there is no injury has been caused to the informant side. It is further submitted that the co-accused Binod Poddar has granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Criminal Appeal (SJ) No. 4746 of 2019

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellants that the present case has been lodged on account of a land dispute, although there are allegations that these appellants had assembled on the place of occurrence and appellant no. 1 had fired from his pistol but that it did not hit anybody, the allegations are only false and frivolous and that is no injury has been caused to the informant side, the co-accused Binod Poddar has granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Criminal Appeal (SJ) No. 4746 of 2019, let the impugned order insofar as it relates to the present appellants be set aside, let the



appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 157 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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