

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4746 of 2019

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

BINOD PODDAR @ BINDESHWARI PODDAR Son of Late Tarni Poddar
Resident of Village - Baluachak, P.S.- Jagdishpur, District- Bhagalpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Syed Masleh Uddin Ashraf

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 14-11-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 01.10.2019 passed by learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 157/2019 registered under Sections 147, 148, 149, 323, 307, 385, 427, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) 3 (II) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On 24.04.2019 six named accused persons including the appellant and 4-5 unknown miscreants descending at the field of the informant armed with weapons started dismantling his pillar and on protest made by the informant, co-accused Subhash Poddar and Sanjit Poddar pointing pistol on his temple demanded extortion of Rs.1 lac slating him. Regarding the said occurrence, he had written petition before the D.I.G., Bhagalpur.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute and dirty village politics. The only allegation levelled against the appellant is of dismantling the pillar of the informant descending at his field along with other accused persons. The aforesaid allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 157/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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