

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4314 of 2019

Arising Out of PS. Case No.-554 Year-2019 Thana- KHAGARIA District- Khagaria

1. PINTU PODDAR Son of Arjun Poddar Resident of Village - Jalkaura, P.S.-
Khagaria (Gangaur), Dist.- Khagaria
2. Guddu Poddar Son of Arjun Poddar Resident of Village - Jalkaura, P.S.-
Khagaria (Gangaur), Dist.- Khagaria
3. Rajkishore Poddar Son of Gujo Poddar Resident of Village - Jalkaura, P.S.-
Khagaria (Gangaur), Dist.- Khagaria
4. Bhola Poddar Son of Mulo Poddar Resident of Village - Jalkaura, P.S.-
Khagaria (Gangaur), Dist.- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar, Adv

For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 04-05-2020

Heard learned counsel for the parties.

Learned counsel for the Appellants submit that
Appellant No. 1 Pintu Poddar has been arrested, hence, he does
not intend to press the anticipatory bail application of Appellant
No. 1, as such this application so far it relates to Appellant No. 1
is dismissed as having become infructuous.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 27.08.2019 passed by learned learned **Additional Sessions Judge-1st cum Special Judge, SC/ST Act, Khagaria**, in connection with **Khagaria Gangaur P.S Case No. 554 of 2019 corresponding to G.R. No. 2123 of 2019** registered under Sections 341, 323, 504, and 147 of the IPC and Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act was added.

Complainant/Informant had filed a complaint case before the Special Judge, Khagaria, on 27.08.2019 in which she alleged that on 22.04.2019, while Informant was digging her land to put bamboo pillar, accused persons who are her co-villagers came to her ancestral land and started abusing her by her caste name. The complaint case was referred to the police under Section 156(3) of the Cr.P.C upon which FIR was instituted.

It is submitted that specific allegation of abusing Informant by her caste name as well as assaulting her is against Appellant no. 1 Pintu Poddar, who has already been arrested and against remaining accused petitioners allegations are general and omnibus in nature. It is further submitted that present case is false and concocted and has been instituted due to land dispute



between the parties for which an encroachment case is pending before SDM, Khagaria and previously Sarpanch of the Gram Panchayat and other Panches have passed order dated 01.06.2019 in favour of Appellant No. 1. It is further submitted that the alleged occurrence is of 22.04.2019 but complaint case was filed on 17.05.2019. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the Appellant nos. 2 to 4 named above be released on anticipatory bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the Appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellants.

Accordingly, the impugned order is set aside and this



appeal stands allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2020
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