

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.347 of 2021

Arising Out of PS. Case No.-341 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. Pankaj Poddar, Male, aged about 40 years, S/o Prahlad Poddar, R/o Village/Mohalla- Muhhamadpur, P.S.- Jagdishpur, District- Bhagalpur.
2. Puja Kumari @ Puja Devi, Female, aged about 30 years, W/o Pankaj Poddar, R/o Village/Mohalla- Muhhamadpur, P.S.- Jagdishpur, District- Bhagalpur.
3. Sushila Devi, Female, aged about 69 years, W/o Prahlad Poddar, R/o Village/Mohalla- Muhhamadpur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Swapnil Kumar Singh, Advocate.
For the Respondent : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the appellants seeks permission to withdraw the present appeal filed for grant of anticipatory bail on behalf of appellant no. 1, namely, Pankaj Poddar, as he has already been taken into judicial custody in connection with Jagdishpur P.S. Case No. 341/2020, pending in the court of learned 3rd Additional District & Sessions Judge-cum-Special



Judge (SC/ST), Bhagalpur.

Permission is accorded.

Accordingly, the present appeal filed for grant of anticipatory bail on behalf of appellant no. 1 Pankaj Poddar, is dismissed as withdrawn.

Now, the matter relates to grant of anticipatory bail to the appellant nos. 2 and 3, namely, Puja Kumari @ Puja Devi and Sushila Devi respectively, in A.B.P. No. 2119/2020, in connection with Jagdishpur P.S. Case No. 341/2020, registered for the offences under Sections 341, 323, 385, 504/34 of the I.P.C. and 3(1)(r)(s) (w) of the SC/ST Act.

The prosecution case, in short, is that on the personal land of the informant, accused persons including the appellants forcibly used to demand as *Rangdari* of Rs. 5,00,000/- and they used to say that they will not allow her to come on the land if money is not given and will kill her entire family. It is further alleged that by taking caste related words, the aforesaid accused persons used to abuse whereas she is having all the documents of her land and decisions of the Gram Kachhari, decisions of S.D.O., Bhagalpur, passed in a proceeding under Sections 107 and 144 of Cr. P.C. and on the basis of the judgment of District & Sessions Judge, Bhagalpur, she is having sale deed, mutation



and receipt of the land.

It has been submitted on behalf of the appellant nos. 2 and 3 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. For a petty reason, the alleged occurrence is said to have taken place. The appellants are ladies. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant nos. 2 and 3 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 28.11.2020, passed in A.B.P. No. 2119/2020 in connection with Jagdishpur P.S. Case No. 341/2020 by learned 3rd Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur, only in respect of appellant nos. 2 Puja Kumari @ Puja Devi and 3 Sushila Devi, is set aside. The criminal appeal is allowed with regard to appellant no. 2 Puja Kumari @ Puja Devi and appellant no. 3 Sushila Devi only.

Accordingly, the appellant nos. 2 and 3, namely, Puja Kumari @ Puja Devi and Sushila Devi respectively, (except



appellant no. 1 Pankaj Poddar), in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bhagalpur, in connection Jagdishpur P.S. Case No. 341/2020.

(Sudhir Singh, J)

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