

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2489 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- JANDAHA District- Vaishali

1. Krishna Kumar Poddar @ Krishna Kumar @ Krishnandan Kumar Son Of Gopal Poddar R/O Village And P.O.- Mahisor, P.S.- Jandaha, District- Vaishali
2. Guddu Kumar Poddar Son Of Sanjeev Poddar R/O Village And P.O.- Mahisor, P.S.- Jandaha, District- Vaishali
3. Sonu Kumar Poddar Son Of Sanjeev Poddar R/O Village And P.O.- Mahisor, P.S.- Jandaha, District- Vaishali

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Zeyaul Hoda

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 The learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no.1.

Permission is accorded.

Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.1.

Heard learned counsel for the rest appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 23.06.2022 passed by the learned Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Jandaha P. S. Case



No.138 of 2022, instituted for the offences under Sections 341, 323, 504, 506, 435, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that the accused-appellants near his poultry farm were consuming ganja. On protest, he was abused by his caste name and was threatened by pistol.

The learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence, nor the same took place within public view to attract the SC/ST (P.O.A.) Act. It is also submitted that the allegation of abuse is general and omnibus in nature.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 23.06.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their



arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Jandaha P. S. Case No.138 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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