

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3839 of 2021

Arising Out of PS. Case No.-256 Year-2021 Thana- ALOULI District- Khagaria

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1. GAUTAM PODDAR @ MANISH Son of Nand Kishore Poddar Resident of village - Shumbha, P.S. - Alauli, District - Khagaria.
 2. Ajay Poddar Son of Nand Kishore Poddar Resident of village - Shumbha, P.S. - Alauli, District - Khagaria.
 3. Sunita Devi Wife of Nand Kishore Poddar Resident of village - Shumbha, P.S. - Alauli, District - Khagaria.

... .. Appellants

Versus

1. The State of Bihar
2. Mina Devi wife of Bijendra Kumar Chaudhary resident of village- Shumbha, P.S. - Aluli, District-Khagaria

... .. Respondents

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 05-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants. None appeared on behalf of the respondent no. 2 though the notice has been served upon him.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 23.08.2021 passed by the learned Additional District and Sessions Judge 1st, Khagaria in arising out of Alauli P.S. Case No. 256 of 2021, registered for the offences punishable under Sections 147, 148,



341, 323, 324, 379, 504, 506 of the Indian Penal Code & Section 3(1) (r) (s) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons surrounded the informant and assaulted him and also abused him by calling his caste name. They also snatched golden chain. The allegation against appellant no. 3 is that he inflicted knife blow on the back of the informant.

Learned counsel for the appellants has submitted that the informant committed murder of the son of the appellant No.4 and in this respect a case i.e. Alauli P.S. Case No. 37 of 2019 has been lodged by the appellant No. 4. He has submitted further that in the year 2021, the informant himself opened fire on the person of husband of the appellant no. 4 and he became injured sustaining the firearm injury and in this respect also a case has been filed i.e. Alauli P.S. Case no. 255/2021 due to previous vendetta this false and frivolous case has been lodged.

As such, the appeal is allowed and the impugned order dated 23.08.2021 passed by the learned Additional District and Sessions Judge 1st, Khagaria is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge 1st,
Khagaria in connection with Alauli P.S. Case No. 256 of 2021.

Office shall ensure that all defects are removed by the
appellant within the stipulated time provided in para-1 hereinabove,
failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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