

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2641 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Raj Kumar Poddar, Male, aged about 50 years, Son of Late Lakshmi Poddar
Resident of village - Pokhraise, P.S. - Muffasil, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kanhaiya Kumar Son of Ram Lal Ram Resident of village - Pokhraise, P.S. -
Muffasil, Dist. - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

ORAL ORDER

4 15-12-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Spl.P.P. for the
State.

2. 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 for anticipatory
bail of the appellant vide order dated 21.02.2023 passed by
the learned Special Judge, SC/ST (POA) Act, Samastipur in
connection with A.B.P. No. 448 of 2023 (arising out of
Muffasil P.S. Case No. 497 of 2022) registered for the



alleged offences under Sections 341, 323, 379, 504, 506 read with 34 of the Indian Penal Code and Sections 3(i)(r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the petitioner and the co-accused persons holding lathi and rod came to the shop of the informant and started to abuse the informant. The petitioner abused the informant by calling “Harijanwa Chamarwa” and ordered to assault him, whereupon, the accused persons started to assault the informant. The co-accused Md. Khalil spitted on the mouth of the informant. In the meantime, the co-accused Md. Sonu snatched Rs. 2000/- from the pocket of the informant. The co-accused Rakesh Poddar assaulted the informant on the chest and he started bleeding from his mouth.

4. Learned counsel for the appellant submits that the appellant is innocent and have been falsely implicated in this case. The appellant is named in the F.I.R. There is general and omnibus allegation against the appellant. It is further submitted that the injury is simple in nature. Learned counsel has further submitted that as per the F.I.R., no



member of public was present at the relevant point of time of the alleged incident, hence, no offence under SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case u/s SC/ST Act is made out against the appellant, the impugned order dated 21.02.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 448 of 2023 (arising out of Muffasil P.S. Case No. 497 of 2022), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount



each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 448 of 2023 (arising out of Muffasil P.S. Case No. 497 of 2022), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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