

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4053 of 2022**

Arising Out of PS. Case No.-145 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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SANJAY KUMAR PODDAR @ SANJAY PODDAR S/O HARE RAM
PODDAR Resident of village- Jatuka, P.S.- Manigachhi, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHATRUGHAN PASWAN S/O LATE YOGENDRA PASWAN Resident of
Village- Kamalpur Chainpur, P.S.- Bahadurpur (Fekla OP), District-
Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate
	:	Mr. Girish Chandra Jha, Adv.
	:	Mr. Ashish
	:	Mr. Alexander Ashok, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard learned Senior counsel for the appellant and
learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State
informs this Court that he has complied the order dated
25.01.2023 but nobody appeared on behalf of the respondent
no.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 of anticipatory bail
vide order dated 23.09.2022 passed by learned 3rd Additional



Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, Darbhanga in connection with Sadar P.S. Case No. 145 of 2022, registered under Sections 302/34 and 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned senior counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is no eye witness in the present case only on suspicion the name of the appellant has been transpired in this case. There is allegation of slating the informant in the specific name of his caste. There is land dispute between the parties. It is mentioned in Annexure-3 of the the appeal that the appellant has filed a petition before the officer in charge regarding taking action under Section 144 Cr.P.C. The son of the informant has six criminal antecedents mentioned para-8 of the memo of appeal. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the



above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, Darbhanga in connection with Sadar P.S. Case No. 145 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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