

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1657 of 2024**

Arising Out of PS. Case No.-1044 Year-2023 Thana- MADHEPURA District- Madhepura

Santosh Poddar @ Santosh Kumar S/o Late Tarani Poddar R/o vill - Jhitkiya,  
ward no. 8, P.S. - Ghailarh, Distt. - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhani Devi W/o Vijay Paswan R/o vill - Jhitkiya, ward no. 8, P.S. - Ghailarh, Distt. - Madhepura

... .. Respondent/s

**Appearance :**

|                   |   |                                 |
|-------------------|---|---------------------------------|
| For the Appellant | : | Mr. Chandra Mohan Jha, Advocate |
| For the State     | : | Ms. Usha Kumari 1, Spl.PP       |
| For the Informant | : | Mr. Nafisuzzoha, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      21-08-2025                      Heard learned counsel appearing for the appellant,  
  
learned Spl.P.P. appearing on behalf of the State and learned  
  
counsel appearing on behalf of the informant.

2. This appeal has been filed for setting aside order dated 29.02.2024 passed in a case registered for the offence punishable under Sections 341, 323, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 03.10.2023 at about 6:30 AM in the morning, while husband of



informant was returning home from shop, this appellant, along with other F.I.R. named accused persons, stopped him, abused him by caste name and asked to give the key of the water tank. It is further alleged that when informant went to save him, co-accused Laxman Poddar assaulted her with *lathi* and thereafter, this appellant came there from behind and started hitting her, caught her hair and pushed her on the ground due to which she became half naked.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, the present case is counter-blast of Madhepura (Ghailadh O.P.) P.S. Case No. 1043 of 2023 which was lodged by the appellant's side against informant and others which is earlier in point of time and in retaliation, this false and concocted case has been lodged. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of



the informant have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, case and counter-case between the parties and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 29.02.2024 passed by the learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST POA Act, Madhepura in connection with A.B.P. No. 67 of 2024 arising out of Madhepura (Ghailadh O.P.) P.S. Case No. 1044 of 2023 is hereby set aside with respect to the appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District and Sessions Judge-cum-Special Judge, SC/ST POA Act, Madhepura in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 1044 of 2023.

**(Prabhat Kumar Singh, J)**

shashank/-

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