

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1365 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- BIHRA District- Saharsa

- =====
1. GULAB KAMAT Son of Rajendra Kamat @ Rajan Kamat Resident of Village-Bara (Baraghat), Ward No.3, P.S-Bihra, District-Saharsa
 2. Hanuman Kamat @ Anil Kamat Son of Rajendra Kamat @ Rajan Kamat Resident of Village-Bara (Baraghat), Ward No.3, P.S-Bihra, District-Saharsa
 3. Nandan Kamat Son of Rajendra Kamat @ Rajan Kamat Resident of Village-Bara (Baraghat), Ward No.3, P.S-Bihra, District-Saharsa
 4. Ramchandra Kamat Son of Bindeshwari Kamat Resident of Village-Bara (Baraghat), Ward No.3, P.S-Bihra, District-Saharsa

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pawan Kumar

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 22-05-2019]

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 17.01.2019 passed by learned Additional Sessions Judge-III, Saharsa -cum- Special Judge SC/ST Act, in connection with Bihra P.S. Case No. 205 of 2018 registered under Sections 1341, 323, 324, 435, 506 and 34 and 379 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.



Learned counsel appearing for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, there is land dispute between the parties and on account of the same case and counter case has been lodged by both the parties. No occurrence as alleged in the F.I.R. has ever took place. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, -cum- Special Judge, Saharsa, in connection with Bihra P.S. Case No. 205 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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