

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3146 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- SC/ST District- Araria

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1. Arvind Kamait Son of Sokhilal Kamait @ Sokhai Lal Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 2. Ramesh Kamait Son of Sokhilal Kamait @ Sokhai Lal Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 3. Subhash Kamait Son of Sokhilal Kamait @ Sokhai Lal Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 4. Sokhi Lal Kamait @ Sokhai Lal Kamait Son of Late Muni Lal Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 5. Suganand Kamait Son of Late Raghunandan Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 6. Amod Kamait Son of Suganand kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 7. Pramod Kamait Son of Suganand Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.
 8. Ashok Kamait @ Ashok Kumar Son of Suganand Kamait Resident of Village - Pithora, P.S.- Narpatganj, Dist.- Araria.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mrigendra Kumar
For the Informant	:	Mr. Amol Raj
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-08-2019 Heard learned counsel for the appellants,

learned counsel for the informant and learned Special

Public Prosecutor for the State.

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 01.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No.28 of 2019 registered under Sections 341, 323, 379, 354 B, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over refusal by the informant to sell out his land to the appellants, which is lying amid land of the appellants, all the appellants intruding into the courtyard of the informant slated in the name of caste. They damaged the fence of his hut and on protest they fisted him and when his wife rushed in his rescue they shoved her on the ground and also fisted her and tore her blouse and snatched the sliver chain of his wife. They also extended threatening of dire consequences.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case merely because the appellants have purchased the land



adjacent to the land of the informant and informant was having greedy eye over the said land. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating is said to have been made in the courtyard of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation of theft is mere super addition. Appellants have no criminal antecedent.

Per contra, learned Special PP for the State and learned counsel for the informant opposing the prayer for bail submitted that the appellants after intruding into the house assaulted the informant and his wife and tore her blouse. Hence, they do not deserve bail.

In the facts and circumstances of the case, the above named appellants, in the event of their 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No.28 of 2019, 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.

(Prakash Chandra Jaiswal, J)

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