

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4415 of 2019

Arising Out of PS. Case No.-244 Year-2019 Thana- NARPATGANJ District- Araria

1. MAHESH KAMAIT Son of Khushi Lal Kamait Resident of Village-Pithoura, Ward No. 11, P.S- Narpatganj, District- Araria.
2. Naresh Kamait Son of Khushi Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
3. Dinesh Kamait Son of Khushi Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
4. Ramesh Kamait Son of Sokhi Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
5. Arbind Kamait Son of Sokhi Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
6. Subhash Kamait Son of Sokhi Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
7. Santosh Kamait Son of Mahesh Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
8. Ramratan Kamait Son of Ramesh Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
9. Suganand Kamait Son of Late Raghunandan Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
10. Pramod Kamait Son of Suganand Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
11. Amod Kamait Son of Suganand Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
12. Ashok Kamait Son of Suganand Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
13. Sokhi Lal Kamait Son of Late Muni Lal Kamait Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.
14. Chandan Vishwas Son of Gangaram Vishwas Resident of Village-Pithoura, Ward No.11, P.S-Narpatganj, District-Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gopal Kumar Jha
For the State	:	Mrs. Usha Kumari-I
For the Informant	:	Mr. Akash Shankar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL



ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 03.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Narpatganj P.S. Case No. 244 of 2019 registered under Sections 341, 323, 147, 148, 149, 354B, 379, 380, 427, 504/34 of the Indian Penal Code and Section 3(i)(r)(w) of the SC/ST Act.

While the informant was raising pillar on the land of Bihar Sarkar given to her under the Pradhanmantri Awas Yojna, all the 14 appellants armed with weapons arrived there and damaged her pillar claiming land of their own. On forbidding them, they shoving her on the ground assaulted her by means of leg and fist and tore her attire. When her daughter rushed in her rescue, they also assaulted her and slated them in the name of their caste. They intruding into her house looted away cash of Rs. 70000/- and 15 sacks of cement.

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 due to land dispute. As a matter of fact, property in question has been purchased by the



appellant Suganand Kamait vide registered sale deed in the year 2010 from Arun Kumar Kamait and Anil Kumar Kamait and he got his name mutated and he is in possession thereof. Informant side wants to grab the land of the appellants and in order to mount pressure upon them, informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. Slatting the informant and her daughter in the name of their caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Allegation of theft levelled against the appellants is super addition. Appellants have no other criminal antecedent barring two other criminal cases lodged by the prosecution side due to land dispute. There is delay of 2 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the bail petition submitted that appellants are having criminal antecedent, hence they do not deserve bail.



Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Narpatganj P.S. Case No. 244 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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