

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4494 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- SAHARGHAT District- Madhubani

Madin Man Kamat @ Madiman Kamat Son of late Mishri Kamat Resident of
Village- Lomna Kutti Tole, P.S.- Saharghat, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gagan Deo Yadav
For the Respondent/s	:	Mr.Smt Usha Kumari No-1
For the Informant	:	Mr. Manish Kumar No. 13, Adv
	:	Mr. Rohit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 18.08.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T Act, Madhubani (arising out of Saharghat P.S. Case No. 76 of 2018 registered under Sections 302, 506/34 of the Indian Penal Code and Section 302, 34 of the I.P.C. and 3(i)(r)(s) and 3(ii)(Va), 3(ii)(V) of the SC/ST Act.

Informant in her fardbeyan has stated that on 14.05.2018 at about 9-10 PM some quarrel was going with the family of appellant and dispute was pacified by her husband, thereafter appellant called her husband and where all FIR named accused were present and they forcibly dragged him in a tempo and thereafter appellant inflicted knife blow on her husband and



pressed his neck. It has further stated that all FIR named accused snatched Rs. 60,000/- There was land dispute, due to this reason, appellant and others killed her husband.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has been further submitted on behalf of the appellant that during course of investigation eye witness Sunil Sharma has stated that he and deceased Mahavir Das were seated in the tempo, at that time deceased was in drunken condition, in the meantime due to accident Mahavir Das received several injuries, thereafter Mahavir Das was taken to the Hospital for treatment where he died. The allegation made in FIR is not supported by post mortem report. During investigation police has found case to be false against 14 FIR named accused.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) appellant shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

