

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.426 of 2020**

Arising Out of PS. Case No.-62 Year-2019 Thana- MAHESHKHUNT District- Khagaria

1. ARUN KAMAT S/o- Puran Kamat,
2. Mira Devi W/o- Arun Kamat,
3. Amrit Kamat S/o- Arun Kamat,
All R/o Village- Soha Tola, Ward No.- 6, P.S.- Sonbarsa Raj, District- Saharsa.
4. Mithun Kamat @ Mithlesh Kamat S/o- Suren Kamat R/o- Village- Dehad,
P.O. and P.S.- Sonbarsa Raj, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Singh
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 16-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities



Act, 1989 (hereinafter in short referred to as the 'S.C./S.T. Act'), against the refusal of prayer for bail vide order dated 02.12.2019 passed by the learned 1st Additional Sessions Judge Special Judge, Khagaria in connection Maheshkhunt P.S. Case No. 62/2019 registered under Sections 366A/34 of the Indian Penal Code and Sections 3 (i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case in brief is that present FIR has been lodged by one Suresh Ram wherein he has alleged that on 26.05.2019 her grand daughter (Natini) namely Manju Kumari aged about 15 years was at his residence at that time ladies member of the family had gone to work outside, finding alone to the grand-daughter the appellant alongwith other accused persons hatched a conspiracy and kidnapped her. It has also been alleged that earlier also the accused persons had kidnapped her on 12.01.2019, later on she was recovered. He has further alleged that he tried to find out but failed. It has also been alleged that due to fear of the accused persons he had kept the victim girl with him. The informant had also alleged that he informed about the occurrence to the parents of victim girl they also tried to find out but she could not be traced.

Learned counsel for the appellant submits that the



appellants have no concern with the aforesaid occurrence. The prosecution case is false and the appellants have falsely been implicated in this case. Statement of victim girl recorded under Section 164 Cr.P.C. by the learned Judicial Magistrate on 10.07.2019. It is hereby mentioned that in the statement of the victim girl has not supported the allegations leveled in the FIR. Rather, she has already solemnized her marriage with the co-accused Dilkhush Kamat as per her will. Later on medical board constituted which examined the victim girl on 13.07.2019 wherein the medical board has assessed her age between 16-18 years.

Learned counsel for the appellants further submits that earlier also a case has been lodged by the father of the victim girl bearing Sonbarsa P.S. Case No. 06/2019 which also containing the same and similar allegations. The police recovered the victim girl in Sonbarsa P.S. Case No. 06/2019 thereafter her statement was recorded under Section 164 Cr.P.C. wherein she has stated that she left the house due to abusive behaviour of her mother and had gone to the house of her friend namely Khushbu Kumari. The co-accused namely Dilkhush Kamat has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.02.2020 passed in Cr. Appeal (SJ) No.



5259/2019.

Learned Special P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event or 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. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Khagaria in connection with Maheshkhunt P.S. Case No. 62/2019, 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.

(Anjani Kumar Sharan, J)

amitkumar/-

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

