

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3298 of 2021**

Arising Out of PS. Case No.-195 Year-2020 Thana- KAMTAUL District- Darbhanga

RAKESH KUMAR KAMAT @ RAJA KAMAT Son of Bauajee Kamat
Resident of Village - Nikasi, P.S.- Kamtaul, Distt.- Darbhanga.847306

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Ms. Usha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 15-09-2021 Heard Mr. Surendra Kishore Thakur, learned counsel
for the appellants and Ms. Usha Kumari, learned Additional
Public Prosecutor appearing for the State.

This appeal has been preferred on behalf of the appellants for setting aside the order dated 16.07.2021, passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga, in connection with Kamtaul P.S. Case No.195 of 2020, corresponding to SC/ST G.R. No.145 of 2020, registered for the offences punishable under Sections 341, 323, 324, 325, 307, 386, 504, 506/34 of the Indian Penal Code read with Section 27 of the Arms Act and also read with Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for regular bail of the appellant has been rejected.



This is second attempt for grant of regular bail on behalf of the appellant inasmuch as earlier the bail application of the appellant was rejected by this Court vide order dated 05.04.2021 passed in Cr. Appeal (SJ) No.1040 of 2021 with liberty to renew his prayer for grant of regular bail after three months.

The allegation against the appellant as per the First Information Report is that the appellant along with other accused persons were engaged in unloading some cartons containing liquor and when the informant protested, the accused persons subsequently called the informant by taking his caste name and the accused persons threatened the informant on gun point of dire consequences and also opened fire. It has further been stated that while fleeing the driver of the vehicle dashed one aged female due to which she sustained injury.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and from perusal of the First Information Report, it is evident that no overtact has been alleged against the appellant and the allegation against him is general and omnibus.

Regard being had to the submissions by the parties and taking into consideration the material on record and the fact



that the appellant is in custody since 14.10.2020 and the allegation against the appellant is not specific as well as this is second attempt for bail on behalf of the appellant, this appeal is allowed and the impugned order dated 16.07.2021, passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga, in connection with Kamtaul P.S. Case No.195 of 2020 is hereby set aside.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga, in connection with Kamtaul P.S. Case No.195 of 2020.

(Anil Kumar Sinha, J)

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