

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3680 of 2021**

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

LAKSMI RAI Son of Ram Bilas Rai 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 : Mr. Sadanand Paswan, Spl. P. P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-09-2021 Heard learned counsel for the appellant and the
learned Special P. P.

The present appeal has been filed against order dated 09.08.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ ST Act, Darbhanga in Kamtaul PS Case No. 195/2020, registered for the offence punishable under Sections 341, 323, 324, 325, 307, 386, 504, 506/34 of the Indian Penal Code, u/s 27 of Arms Act and u/s 3(1)(r) (s) of SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

As per the prosecution case, on 08.08.2020 at about 10 PM while the informant along with his brother was returning home in the way co-accused Rakesh Kumar Kamat @ Raja Kamat and this appellant along with four unknown persons were engaged in unloading the cartoon containing liquor from the



Scorpio vehicle. The informant objected such act of accused persons and tried to make call to the administration. When the informant was taking dinner, this appellant called the informant outside his house through phone and when informant reached the place this appellant and co-accused Raja Kamat pointed pistol to the informant and used filthy language by calling his caste name and also threatened with dire consequences. On intervention of local people the life of informant could be saved. It is further alleged that this appellant and other co-accused fled away boarding on vehicle and firing was also made and while fleeing away the driver of the vehicle dashed one aged female, namely, Urmila Devi.

It is submitted that this appellant has falsely been implicated in this case due to village politics. Although it is alleged that firing was made but no-one sustained any injury. The appellant has got clean antecedent and in in custody since 29.062021 and investigation in this case is complete.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 09.08.2021 is hereby set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge-I-cum- Special Judge, SC/ST Act,
Darbhanga in connection with Kamtaul PS Case No. 195/2020.

(Prabhat Kumar Singh, J)

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