

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1378 of 2022

Arising Out of PS. Case No.-27 Year-2020 Thana- SC/ST District- Madhubani

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1. Moti Kamat, Son Of Late Kushe Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 2. Lalit Kamat, Son Of Late Kushe Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 3. Sunil Kamat @ Sunil Kumar Kamat, Son Of Late Kushe Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 4. Bikash Kamat @ Bikash Kumar Kamat, Son Of Ramashis Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 5. Raunak Kumar Kamat @ Raunak Kamat, Son Of Ramashis Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 6. Sudhir Kamat @ Sudhir Kumar Kamat, Son Of Vinod Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 7. Rakesh Kumar Kamat @ Rakesh Kamat, Son Of Ghunti Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.
 8. Vinod Kamat, Son Of Late Rajendra Kamat Resident Of Village - Khor, Madanpur, P.S.- Bheja, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basant Kumar Chaupal, Son of Yugeshwar Chaupal Resident of Village - Khor, Madanpur, P.O.- Bhith Bagwanpur, P.S.- Bheja, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 The learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellant nos.1, 2, 3 and 6 as they were arrested during pendency of the present appeal.

Permission is accorded.



Accordingly, instant appeal is dismissed as withdrawn with respect to appellant nos.1, 2, 3 and 6.

Heard learned counsel for the appellant nos.4, 5, 7 and 8 and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 24.03.2022 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, Madhubani in connection with SC/ST P. S. Case No.27 of 2020, instituted for the offences under Sections 341, 323, 354, 379, 504/ 34 of the Indian Penal Code and Section 3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on account of dispute relating to parking of auto on his own land, the appellants came and assaulted and abused him by taking caste name and also assaulted his mother and sister.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that the allegations of assault is general and omnibus in nature. It is next submitted that even presuming what has been alleged is true without admitting, then the occurrence has not taken place in public view, nor F.I.R. even remotely



suggests that the occurrence was witnessed by anyone, as such,
no offence under the SC/ST (P.O.A.) Act is made out.

The learned Special Public Prosecutor opposes the
bail application.

Regard being had to the aforesaid submissions, the
order dated 24.03.2022 is set-aside.

The appeal stands allowed.

The appellant nos.4, 5, 7 and 8, above-named, in the
event of their arrest or surrender before the learned Court below
within a period of eight weeks, are directed to be released on bail on
their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten
Thousand) each with two sureties of the like amount each to the
satisfaction of learned Additional Sessions Judge 1st-cum-Special
Judge, Madhubani in connection with SC/ST P. S. Case No.27 of
2020, subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

(Satyavrat Verma, J)

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