

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3081 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- SC/ST District- Madhubani

SHIV SHANKAR KAMAT @ SHIV SHANKAR KUMAR Son of Shiv Lal
Kamat Resident of village - Khojpur, P.S.- Babu Barhi, Distt.- Madhubani.
... .. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-09-2022 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 13.05.2022 passed by learned Additional District & Sessions Judge-1-cum-Special Judge, Madhubani in ABP No. 508 of 2022 whereby the prayer for bail of the appellant in connection with SC/ST P.S. Case no. 02 of 2022 under Section 341, 323, 379, 448, 354, 427, 504, 506/34 of the Indian Penal Code and sections 3(i)(s)3(2)(va) of SC/ST Act was rejected.

Allegations against the appellant is of abusing the informant and his family by taking their caste name and assaulting. It is further alleged that accused persons entered into his house and took cash of Rs. 9,000/- and snatched gold chain.

It is submitted by learned counsel for the appellants



that appellants have been falsely implicated in this case. All allegations levelled against the appellant are ornamental in nature. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.05.2022 passed in A.B.P. No. 508 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST P.S. Case No. 02 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1-cum-Special Judge, Madhubani.

(Sunil Kumar Panwar, J)

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