

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.964 of 2023**

Arising Out of PS. Case No.-35 Year-2018 Thana- SC/ST District- Madhubani

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1. Chandrakala Devi Wife Of Baijnath Kamat R/V- Deep, P.S.- Lakhnaur, District- Madhubani
 2. Dayawati Devi Wife Of Late Sushdha Kamat R/V- Deep, P.S.- Lakhnaur, District- Madhubani
 3. Ramakant Kamat @ Ramakant Yadav Son Of Awadh Kamat R/V- Deep, P.S.- Lakhnaur, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Narayan Das Son Of Late Awadh Narayan Das R/V- Deep, P.S.- Lakhnaur (r.s.o.p.), District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Bharti
For the Respondent/s : Mr.Sadanand Paswan

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

5 18-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 23.05.2023, he has informed the informant/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated



03.11.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 35 of 2018, registered under Sections 341, 323, 384, 379, 504, 506/34 of the IPC and Sections 3(i) (r) (s) and 3 (2) (va) of SC/ST Act.

4. Appellants are said to have abused the informant and also assaulted him.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that the occurrence took place on 16.07.2018 but Complaint has been filed on 26.07.2018 after delay of 10 days which creates serious doubt about the prosecution case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Spl. PP for the State opposing the prayer for bail submits that there is specific allegation against appellant nos. 1 and 2 who abused the informant by taking caste name.



7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the appellant no. 3, let the above named appellant no. 3 in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 35 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. So far as appellant nos. 1 and 2 is concerned, there is specific overt act against them, I am not inclined to enlarge the appellant nos. 1 and 2 on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with the aforesaid case.

9. However, if the appellant nos. 1 and 2 surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the appellant nos. 1 and 2 are female.



10. Accordingly, the impugned order is set aside
and the appeal is partly allowed.

(Anjani Kumar Sharan, J)

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