

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1450 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Madhubani

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DILIP KAMAT @ DILIP KUMAR KAMAT Son of Ram Gulam Kamat R/o
Ward No.- 11, P.O. and P.S.- Donwar Kumar Khat, District - Madhubani, Pin -
847232.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Kumar Ram Bhola Ram Resident of Village- Donwari, P.S.-Ladniya,
District.-Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms. Roona, Advocate
For the Resp. No.2	:	Mr. Gaurav Kumar Verma, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the appellant, learned
counsel for the Respondent No.2 and learned Special Public
Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 04.02.2023 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, Madhubani in connection
with SC/ST P.S. Case No. 23 of 2022, G.R. No. 101 of 2022
registered under Sections 147, 148, 448, 323, 324, 307, 354,
504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w1),
3(2)(Va) of the SC/ST Act, 1989.



As per prosecution case, the informant was at home with his family members on 22.08.2022 appellant alongwith three other co-accused came with common intention and equipped with arms suddenly attacked them and Amirti Devi asked her husband to kill the informant on which Dilip Kamat hit with farsa but unfortunately the informant sustained injury from the back portion, in the meantime Dhirendra Kumar with farsa in his hand hit the informant causing injury to left side of the head and blood was oozing, seeing this his wife Parmila Devi came for rescue but she was assaulted by Renu Devi, Anjali Devi and Kavita Devi, they abused by naming the case and ordered to assault that he does not dare to file cases.

Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that F.I.R. in two parts, in first part, there is general and omnibus allegation against all the co-accused persons including the appellant and in the second part, there is specific allegation against the appellant that he has assaulted the informant with Farsa. He further submits that the injury report of the informant suggest that the injury is simple in nature and due to previous dispute the present occurrence had taken place and the appellant



has also falsely been implicated in another case lodged by the present informant bearing Madhubani SC/ST Case No. 7 of 2022. He further submits that the police after investigation submitted the charge sheet against the appellant and the appellant is in custody since 23.01.2023.

The learned counsel for the respondent no.2 and learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that appellant carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 23 of 2022, G.R. No. 101 of 2022, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 04.02.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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