

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2352 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. MD. JAMALUDDIN Son of Late Md. Hussain Resident of Village - Dekuli, P.S.- Bahadurpur, District - Darbhanga.
2. SHANKAR KAMAT @ SHANKAR KAMTI Son of Late Amrit Kamat @ Amrit Kamti Resident of Village - Dekuli, P.S.- Bahadurpur, District - Darbhanga.
3. KRISHNA KUMAR KAMAT @ KRISHNA KUMAR Son of Shankar Kamat @ Shankar Kamti Resident of Village - Dekuli, P.S.- Bahadurpur, District - Darbhanga.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GANESH MAHTO Son of Late Medhu Mahto Resident of Village - Mirzapur Dekuli, P.S.- Bahadurpur, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar Mr. Rohit Kumar Sudhakar Kumar Jha
For the informant	:	Mr.Baidyanath Yadav
For the State	:	Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-01-2023 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting



aside the order dated 18.06.2022 passed by the learned 3rd Additional Sessions Judge-cum-Exclusive SC/ST (POA) Act, Darbhanga registered for offence punishable under sections 341, 323, 379, 436/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the accused persons including the appellants came to the purchased land of the informant and they assaulted him and his family members. The appellant Shankar Kamat abused his wife by calling her caste name.

The learned counsel for the appellants has submitted that there is case and counter case and there is land dispute between the parties. The appellants are claiming the land mentioned in the FIR as title holders and title suit is pending between the parties.

It appears that there is land dispute between the parties. As such, the occurrence cannot be said to have taken place due to malicious feeling of caste.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 18.06.2022 is set aside.

Accordingly, the appellants, in the event of arrest or



surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive SC/ST (POA) Act, Darbhanga in connection with Bahadurpur P.S. Case No. 98 of 2022.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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