

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2729 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- SC/ST District- Madhubani

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1. Saraswati Devi Wife Of Sanjay Kamat Resident Of Village - Menha, P.S.- Phulparas, District - Madhubani.
 2. Sanjay Kamat Son Of Bipati Kamat @ Vipti Kamat Resident Of Village - Menha, P.S.- Phulparas, District - Madhubani.
 3. Heera Devi Wife Of Birju Kamat Resident Of Village - Menha, P.S.- Phulparas, District - Madhubani.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalita Devi Wife Of Surendra Ram Resident Of Village- Menha, Ward No. 11, P.S.- Fulpras, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Miss Kusum Rani
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Heard the counsel for the appellants, counsel for
the respondent no.2 and Spl.P.P. for the State.

Learned counsel for the appellants seeks
permission to withdraw this appeal as against the appellant no.2,
as he has already been arrested by the police, during pendency
of this appeal.

Permission is granted.

Accordingly, the instant appeal is dismissed as
withdrawn as against the appellant no.2.

Now, this appeal is being heard with regard to the



appellant no.1 & 3 only.

Heard learned counsel for the parties.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 08.02.2023 but nobody appeared on behalf of the respondent no.2.

This is an appeal under Section 14(a)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 23.06.2022 passed by learned 1st Additional Sessions Judge-Cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 33/2021 registered under Sections 341, 323, 324, 308, 354, 427, 379, 504 and 506/34 of the Indian Penal Code and Section 3 (1)(r), (s)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is there is general and omnibus allegations levelled against the appellants. There is no specific overt act against any of these appellants. There is no allegation against the appellants to abuse the informant by taking her caste name.



All the occurrence took place inside the house not in public view which is also clear from the FIR itself. Hence, no offence is made out against the appellants under SC/ST Act. Appellants have got one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellant nos.1 & 3, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 33/2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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