

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4158 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- PHULPARAS District- Madhubani

1. HARI NARAYAN KAMAT Son of Late Bhai Lal Kamat R/V- Surayahi, P.S- Phulparas, Dist- Madhubani
2. Krishna Bihari Kamat @ Krishna Kumar Kamat @ Krishna Bihari Son of Late Siya Ram Kamat R/V- Surayahi, P.S- Phulparas, Dist- Madhubani
3. Nandan Kamat @ Nand Bihari Kamat @ Nand Bihari Kumar Son of Late Siya Ram Kamat R/V- Surayahi, P.S- Phulparas, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Kumar Ram Son of Ram Bihari Ram R/V- Surayahi, P.S- Phulparas, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard the parties.

In compliance of the order of this Court, learned Spl.PP for the State informed the opposite party no.2, but nobody appears on his behalf.

Learned counsel for the appellant seeks permission to withdraw this appeal on behalf of appellant no.2 submitting that during pendency of this appeal the appellant no.2 has already been apprehended.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2.

Now this appeal survives for appellant no.1 & 3.



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 30.08.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Madhubani in connection with Phulparas P.S. Case No. 251 of 2022 registered under Sections 323, 341, 448, 308, 354(B), 379/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons armed with weapons came to the informant and started assaulting the informant's brother and mother. They also snatched silver ornament from the neck of her mother.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against Krishna Kumar Kamat to abuse the informant by taking his caste name. The injuries sustained by the victims are simple in nature. Slating the informant/complainant in the name of caste is said to have been made at the house (Aangan) of the Opposite Party No.2 and not in public view, hence no offence under SC/ST Act is made



out against the appellants. Appellant no. 3 has no criminal antecedent whereas appellant no.1 has one criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, since there is general and omnibus allegation against the petitioners and the occurrence took place inside the house, the 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Madhubani in connection with Phulparas P.S. Case No. 251 of 2022, 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 party allowed.

(Anjani Kumar Sharan, J)

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