

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.485 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- LADANIA District- Madhubani

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1. MOHIT KAMAT S/O SATYA NARAYAN KAMAT Resident of Village- Jankinagar, P.S.- Ladaniya, District- Madhubani.
 2. SURYA NARAYAN KAMAT @ SURAJ KAMAT SON OF SATYA NARAYAN KAMAT Resident of Village- Jankinagar, P.S.- Ladaniya, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. BHANU MAHRA S/O LATE JHINGUR MAHRA Resident of Village- Jankinagar, P.S.- Ladaniya, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Minakshi Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor Mr. Shivnandan Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 25-07-2024 At the outset, learned counsel for the appellants seeks permission to withdraw the anticipatory bail application with regard to appellant No. 2, namely, Surya Narayan Kamat as he has died during the pendency of the case.

2. Permission is granted.

3. The anticipatory bail application with regard to appellant No. 2, namely, Surya Narayan Kamat is, hereby, dismissed as withdrawn.

4 Heard the parties.

5. This appeal has been filed against the order dated



14.09.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Madhubani in connection with A.B.P. No. 1298 of 2022 arising out of Ladaniya P.S. Case No. 203 of 2022, registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) and 3(2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant No. 1 has been rejected.

6. As pr the F.I.R., all the accused persons including this appellant abused informant and his wife by caste name and this appellant is alleged to have assaulted wife of the informant by means of *lathi*.

7. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case due to enmity. There is no injury report on record to support the allegation and F.I.R. does not disclose presence of any public member when the alleged incident occurred, hence, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

8. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 opposed the bail application.



9. Considering the aforesaid facts, let the appellant No. 1, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Madhubani in connection with A.B.P. No. 1298 of 2022 arising out of Ladaniya P.S. Case No. 203 of 2022.

10. Accordingly, the impugned order dated 14.09.2022 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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