

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5015 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- PHULPARAS District- Madhubani

Rohit Kamat S/O Vijay Kamat Village- Mehna, PS. Phulparas, Dist. Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Surendra Ram S/O J.C. Ram Village- Mehna, PS. Phulparas, Dist. Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vasant Vikas, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P
For the O.P. No. 2	:	Mr. Ramchandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 05-07-2024 Heard Ld. counsel for the Appellant, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Respondent no.2/Informant.

2. The present appeal has been preferred against the impugned order dated 26.06.2023 passed in ABP No. 1285 of 2023 arising out of Phulparas P.S. Case No. 265 of 2022 dated 05.06.2022 passed by Ld. Additional Sessions Judge-Ist-cum-Special Judge, Madhubani whereby Ld. Trial Court has dismissed the application of the appellant for anticipatory bail on the ground that in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the anticipatory bail is not maintainable.



3. The prosecution case as emerging from the *fardebayan* of the informant is that the Appellant along with other accused persons armed with axe (*Tengari*) came at the house of the informant in drunken condition and started abusing him using the caste name '*Chamar*' and assaulted Phul kumari (brother's wife of the informant) and Ruchi Kumari (niece of the informant) on account of which niece of the informant died.

4. Ld. Counsel for the Appellant submits that as per the allegation, no case is made out under the SC/ST Act against the Appellant, because he has not abused the informant using the word '*Chamar*'. Hence, this application is maintainable before the Court.

5. However, Ld. Special P.P. for the State submits that as per the allegation, there is prima facie case under the SC/ST Act against the Appellant because as per the allegation, all the accused persons named in the F.I.R. have abused the informant using the word '*Chamar*'. Hence, SC/ST Act comes into play against the Appellant and there is no illegality and impropriety in the impugned order.

6. Perused the case record and considered the submissions advanced by both the parties, I find that as per the F.I.R., there is allegation against all the accused persons,



including the Appellant herein that they have abused the informant using the word ‘*Chamar*’ besides assaulting the informant. Hence, there is no illegality or impropriety in the impugned order.

7. Accordingly, the present appeal stands dismissed.

(Jitendra Kumar, J)

Shoaib/S.Ali

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