

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.57 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- SC/ST District- Madhubani

Shailendra Kumar Kamat Son of Jagat Lal Kamat Resident of village -
Dharmdiha, P.S.- Phulparas, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Deo Narayan Safi Son of Late Bhannu Lal Safi @ Bhannu Safi Resident of
village - Sudai Navtoli Ward No.- 7, P.S.- Phulparas, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor Ms. Anju Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-09-2024 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 05.12.2023 passed by learned Additional Sessions Judge I-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 84 of 2023, registered under Sections 420, 341, 323, 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, this appellant borrowed Rs. 6 lacs from respondent No. 2 and purchased land with a



promise that he would return the money. After some time when respondent No. 2 demanded back his money, this appellant gave him cheque of Rs. 6 lacs and when respondent No. 2 went to the bank, he came to know that there is no sufficient amount in the account of this appellant. On 13.11.2023, when informant demanded his money from the appellant, this appellant along with 5-6 other persons abused him by caste name and assaulted with fists and slaps and snatched his gold chain worth Rs. 98,000/- and Rs. 11,000/- cash from his pocket.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He next submits that at no point of time appellant has taken any money from respondent No. 2 and only with a view to humiliate and harass the appellant this false and concocted case has been lodged against him. F.I.R. has been lodged after inordinate delay of 16 days and there is no reasonable explanation for the same. F.I.R. is silent about who, member of the public, was present when the incident occurred, as such, no offence under SC/ST Act is made out. Appellant claims clean antecedent.

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



6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight 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 Additional Sessions Judge I-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 84 of 2023.

7. Accordingly, the impugned order dated 05.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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