

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.247 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- SC/ST District- Madhubani

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1. Prashant Kumar @ Mintu Son Of Vijay Kamat @ Vijay Kumar Kamat Resident Of Village- Karonha, Ps- Ladania, Dist- Madhubani At Present Resident Of Village- Uгна Colony, Sapta, Ward No. 11, Ps- Rahika, Dist- Madhubani
 2. Prabhat Kamat @ Prabhat Kumar Kamat Son Of Vijay Kamat @ Vijay Kumar Kamat Resident Of Village- Karonha, Ps- Ladania, Dist- Madhubani At Present Resident Of Village- Uгна Colony, Sapta, Ward No. 11, Ps- Rahika, Dist- Madhubani
 3. Vijay Kamat @ Vijay Kumar Kamat Son Of Sajjan Kamat Resident Of Village- Karonha, Ps- Ladania, Dist- Madhubani At Present Resident Of Village- Uгна Colony, Sapta, Ward No. 11, Ps- Rahika, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Makhani Devi Wife Of Ramprit Paswan Resident Of Village- Laheriyaganj, Ward No. 8, Ps- Town, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Subhash Kumar Jha, Mr. Prakash Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 05.12.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in ABP No. 2478 of 2023 arising out of SC/ST P.S. Case No. 48 of 2023, registered under Sections 341, 323, 420, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Prosecution case, in brief, is that appellant no. 1 took Rs. 1,50,000/- from the son of informant in the name of providing land and took his Scorpio vehicle for some personal work which later, met with an accident costing Rs. 4,00,000/- of the informant in its repair and release from police station. It is alleged that when son of the informant demanded Rs. 5,50,000/- back from the appellant no. 1, these appellants abused him by caste name. On protest, appellant no. 1 spate over his body and appellant no. 2 threatened to kill him with pistol.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, present case is counter version of Rahika P. S. Case No. 139 of 2023 which was lodged by appellant no. 1 against informant and others and only with a view to save their skin this false and concocted case has been lodged. He next submits that as per the F.I.R., alleged incident took place on 04.07.2023 and F.I.R. was lodged on 16.07.2023 i.e. after inordinate delay of 12 days which itself raises doubt over veracity of the prosecution story. Moreover, it is not the case of informant that alleged incident occurred within public view, as



such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, delay in lodging the F.I.R. and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Madhubani arising out of SC/ST P.S. Case No. 48 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 05.12.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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