

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2189 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- PUPRI District- Sitamarhi

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1. Ashok Kamat Son of Muneshwar Kamat Resident of Village- Keshopur, Ward No.- 1, P.s.- Pupri, Dist.- Sitamarhi.
 2. Lalan Kamat Son of Muneshwar Kamat Resident of Village- Keshopur, Ward No.- 1, P.s.- Pupri, Dist.- Sitamarhi.
 3. Anil Kamat Son of Gauri Shankar Kamat @ Satrugan Kamat Resident of Village- Keshopur, Ward No.- 1, P.s.- Pupri, Dist.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jageshwar Ram Son of Nandu Ram Resident of village- Baura, Ward no. 7, P.S.- Pupri, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivjee Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the Res No. 2	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-08-2025 Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 14.05.2025 passed by learned District & Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in SC/ST ABP No. 22 of 2025 in connection with Pupri P.S. Case No. 123 of 2025, registered under Sections 126(2), 115(2), 109, 303(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 3(i)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, on the alleged date and time of occurrence, these appellants along with two unknown accused persons wrapped towel around the neck of informant and assaulted him by means of *lathi*, *danda*, knife, etc. It is further alleged that the accused persons also abused informant by caste name and took Rs. 1,700/- from his pocket.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, informant, being drunk, met with an accident and was getting treatment in DMCH, Darbhanga. Taking advantage of the situation, this false and concocted case has been lodged against appellants due to previous dispute. Allegation of assault is general and omnibus. Injury allegedly caused by the appellants is simple in nature. 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, simple injury



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 District & Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in SC/ST ABP No. 22 of 2025 in connection with Pupri P.S. Case No. 123 of 2025.

7. Accordingly, this criminal appeal is allowed and impugned order dated 14.05.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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