

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5019 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- NIRMALI District- Supaul

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Rahul Kumar Kamat Son of Yogendra Kamat Resident of Nirmali, Ward No. 01, P.S.- Nirmali, Distt.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anil Kumar Saday Son of Baia Saday @ Baia Lal Saday Resident of Nirmali, Ward No. 01, P.S.- Nirmali, Distt.- Supaul

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State, however, none appeared on behalf of the respondent no. 2 as the notice was issued to the respondent no. 2 which was not accepted by the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 25.07.2024 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Supaul in SC/ST Case No. 24/2024 arising out of Nirmali P.S. Case No. 43/2024 dated



03.03.2024 registered for the offence/s punishable u/s 341, 323, 337, 307 and 302 of the Indian Penal Code and Sections 3(1)(r) (s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, when the informant was returning to his home, the appellant started abusing him by calling caste name and assaulted him with fist. When the informant started shouting, the appellant assaulted him on the head with brick, causing head injury. When the informant's neighbour Raj Kumar came to rescue, he was also assaulted with bricks,. Thereafter, the appellant also assaulted his father and bit on the hand of the informant. Further the injured were taken to hospital for treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. Learned counsel has submitted that there is no repetition of blow. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 03.03.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail by submitting that Raj Kumar



succumbed to the injuries sustained by him.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 25.07.2024 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Supaul in SC/ST Case No. 24/2024 arising out of Nirmali P.S. Case No. 43/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Supaul in SC/ST Case No. 24/2024 arising out of Nirmali P.S. Case No. 43/2024, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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