

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4403 of 2025

Arising Out of PS. Case No.-177 Year-2025 Thana- LAUKAHI District- Madhubani

Vivek Kamat @ Vivek Kumar Kamat S/O Dinesh Kamat R/o - Sonwarsha,
P.S - Laukahi, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Kala Devi W/O Mangal Saday R/o - Sonwarsha, P.S - Laukahi, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar @ Ashok Karn, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
		Mr. Ravi Prakash, Adv.for Respondent-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-07-2026 Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

2. This appeal has been filed against an order passed by learned A.D.J. 1st cum Special Judge, SC/ST Act, Madhubani in connection with a case, registered under Sections 126(2), 115(2), 76, 351(2), 351(2), 3(5) of the B.N.S. and Sections 3(i)(r), 3(i)(s) & 3(i)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per the FIR, on 18.08.2025 at about 6:30 AM, while informant was alone at her home, this appellant came,



abused her by caste name and started misbehaving with her. It is further alleged that appellant also disrobed informant and tried to commit rape upon her, however, on alarm being raised by her, appellant fled away from there and after some time, came with other family members and assaulted informant and her son.

4. Learned counsel for the appellant submits that appellant is quite innocent and has committed no offence. Both parties are neighbours and due to petty dispute, *Maarpeet* took place in which both sides sustained injuries. Case and counter case. Injuries are simple in nature. Rest of the allegations are super addition to make the case grave. He further submits that the alleged occurrence did not take place within the public view and as such, no case under the SC/ST Act is made out. Appellant claims clean antecedent.

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

6. However, considering the aforesaid facts and circumstances, the impugned order is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge 1st cum Special Judge, SC/ST Act, Madhubani, in connection with Laukahi P.S. Case No. 177 of 2025.

(Prabhat Kumar Singh, J)

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