

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.97 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GARDANIBAG District- Patna

1. MD. SHAHRUKH KHAN S/o Md. Guddu R/o mohalla- Paharpur, Police Colony- Anisabad, P.S.- Gardanibagh, District- Patna
2. SONU @ BOBBY S/o Md. Guddu R/o mohalla- Paharpur, Police Colony- Anisabad, P.S.- Gardanibagh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shadab Akhter

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 03.11.2022 passed by learned Exclusive Special Court (SC/ST Act), Patna in Serial No. 253 of 2022 whereby the prayer for bail of the appellants in connection with Gardanibag P.S. Case No. 436 of 2022 under Sections 341, 323, 354, 354B, 379, 427, 447, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)/ 3(2)(ii)(va) of the SC/ST Act was rejected.

The allegation against the appellants and others is of outraging the modesty with the informant, when she was



cooking food in her house and assaulting his family members.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due. They have not taken the caste name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant in public view. There is a case and counter case between the parties. Learned counsel for the appellants further submitted that the daughter of the informant namely, Lalita Kumari and the appellant no. 2 were in love affairs and solemnized marriage in Court, which is annexed as annexure-2 with this petition. They are languishing in judicial custody since 01.08.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 03.11.2022 passed in Serial No. 253 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Gardanibag P.S. Case No. 436 of 2022 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
each with two sureties of the like amount each to the satisfaction
of the learned Exclusive Special Court SC/ST, Patna.

(Sunil Kumar Panwar, J)

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