

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.725 of 2024

Arising Out of PS. Case No.-259 Year-2020 Thana- BARH District- Patna

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1. Nasima Khatoon W/o Late Md. Burah Shah @ Late Burah Shah RESIDENT OF VILLAGE - AKBARPUR, POLICE STATION - BARH, DISTT. - PATNA
 2. Sonu @ Raji Shah @ Md. Sonu Son of Late Md. Burah Shah @ Late Burah Shah RESIDENT OF VILLAGE - AKBARPUR, POLICE STATION - BARH, DISTT. - PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar Son of Rajendra Das RESIDENT OF VILLAGE - AKBARPUR, WARD NO. 17, P.O. - BARH, P.S. - BARH, DISTT. - PATNA, PIN CODE - 803213

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-07-2025 Heard Mr. Arun, learned counsel for the appellants
and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
08.12.2023 passed by the learned Exclusive Special Judge,
(S.C/S.T.) Act, Patna in connection with A.B.P. No. 9927 of
2023 arising out of Barh P.S. Case No. 259 of 2020, F.I.R. dated
23.07.2020 registered under Sections 147, 148, 323, 324, 307,



448, 354, 379 and 504 of the Indian Penal Code and Sections 3(i)r(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 27.07.2020 at 07:00 P.M., the accused persons entered the informant's home, assaulted him and others with weapons and misbehaved with his wife. Appellant no. 1 and co-accused, Nasrina Khatoon allegedly snatched a gold chain. It is further alleged that co-accused, Md. Azad allegedly struck the informant with a sword on the shoulder and appellant no. 2 along with Md. Golu allegedly assaulted the informant's father with a knife.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offence as alleged in the F.I.R. Informant is not the eye witness of the alleged occurrence and from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against these appellants and similarly situated co-accused person,



namely, Md. Azad @ Md. Azad Shah has been granted privilege of anticipatory bail by Co-ordinate Bench of this Court vide order dated 20.12.2023 passed in Cr. Appeal (SJ) No. 4849 of 2021 and the co-accused, namely, Md. Golu @ Md. Shahbaz & Ors. have been granted privilege of anticipatory bail by Co-ordinate Bench of this Court vide order dated 29.03.2023 passed in Cr. Appeal (SJ) No. 652 of 2021 and another co-accused, namely, Narsina Khatoon @ Sanjeeda Khatoon has been granted privilege of anticipatory bail by Co-ordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Appeal (SJ) No. 466 of 2021.

6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R., apart from that they have participated in the present crime in question.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent and there is no specific allegation of assault or overt act against them in the F.I.R. and similarly situated co-



accused persons have been granted privilege of anticipatory bail by different Co-ordinate Benches of this Court, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge, (S.C./S.T.) Act, Patna in connection with A.B.A. No. 9927 of 2023 arising out of Barh P.S. Case No. 259 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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