

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.619 of 2024

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

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1. Md. Talim SON OF MD. GUDDU Resident of Mohalla- Paharpur, Police Colony, Anisabad, P.S.- Gardanibagh, District- Patna
 2. MD. SAHIL SON OF MD. GUDDU Resident of Mohalla- Paharpur, Police Colony, Anisabad, P.S.- Gardanibagh, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. NITU KUMARI DAUGHTER OF RAJNATH PASWAN Resident of Mohalla- Paharpur, Police Colony, Anisabad, P.S.- Gardanibagh, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-07-2025 Heard Mr. Surendra Kumar Mishra, 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
06.10.2023 passed by the learned Special Judge, S.C./S.T.,
Patna in connection with Gardanibagh P.S. Case No. 436 of
2022, F.I.R. dated 30.07.2022 registered under Sections 341,
323, 354, 354(B), 379, 427, 447, 504, 506/34 of the Indian
Penal Code and Section 3(1)(r)(s)(w)/3(2)(va) of the Scheduled
Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant



alleges that while she was cooking at home, appellants along with 20-25 unknown persons, attacked her house. Shahrukh Khan entered her house and tore her clothes, while appellant no. 1 injured her. Appellant no. 2 scattered household items and looted valuables and cash. The accused also assaulted her mother and brother, damaged two motorcycles and bicycle.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The present case is counter blast of Gardanibagh P.S. Case No. 432 of 2022 filed by the father of the appellants against the father, brother and sister of the informant under Sections 364 and 365 of the Indian Penal Code and for saving the skin from Gardanibagh P.S. Case No. 432 of 2022, the informant has filed Gardanibagh P.S. Case No. 436 of 2022 against the appellants and other co-accused persons. 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., apart from that, there is no specific allegation of any assault or overt act attributed against the appellants and the injury inflicted upon the injured person (informant) is simple in nature and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the



appellants. Further submits that the appellants have no intention to abuse the informant in any manner.

6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellants.

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 against the appellants as alleged in the F.I.R., there is case and counter case and the injury inflicted upon the informant is simple in nature, 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 Special Judge S.C./S.T., Patna in connection with Gardanibagh P.S. Case No. 436 of 2022, 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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