

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3333 of 2024

Arising Out of PS. Case No.-222 Year-2020 Thana- NIRMALI District- Supaul

- 1. Ajay Kumar Mehta Son Of Ghanshyam Mehta Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul
- 2. Amit Kumar Mehta Son Of Ghanshyam Mehta Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul
- 3. Gautam Kumar Mehta Son Of Radheshyam Mehta Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul

... .. Appellant/s

Versus

- 1. The State Of Bihar
- 2. Shakuntala Devi Wife Of Nageshwar Sharma Chaupal Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3345 of 2024

Arising Out of PS. Case No.-222 Year-2020 Thana- NIRMALI District- Supaul

- 1. Mahesh Mehta Son Of Late Mohan Mehta Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul
- 2. Indal Kumar Mehta Son Of Ghanshyam Mehta Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul

... .. Appellant/s

Versus

- 1. The State Of Bihar
- 2. Shakuntala Devi Wife Of Nageshwar Sharma Chaupal Resident Of Majhari, Ward No.8, P.S. - Nirmali, District - Supaul

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 3333 of 2024)
For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP
(In CRIMINAL APPEAL (SJ) No. 3345 of 2024)
For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER



5 27-01-2025 Heard Mr. Shailendra Kumar Singh, learned counsel for the appellants and Mr. Binay Krishna, learned Special PP for the State.

2. The present appeal has been filed for quashing of the order dated 31.10.2023 passed by Additional Sessions Judge-1-cum-Special Judge, SC/ST, Supaul in Nirmali P.S. Case No. 222/2020, corresponding to SC/ST Case No. 159/2020 whereby the bail bonds of appellants and others have been canceled and directed to issue non-bailable warrant against the appellants and others.

3. As per the prosecution story, the informant alleged that when she was going to the field along with her husband, the accused persons under conspiracy after clubbing her in the category of '*daayan*' assaulted, took caste name and when the husband came to rescue, he too was beaten, this led to the F.I.R..

4. The present appeals have been preferred being aggrieved by the order of the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST, Supaul by which it took note of the fact that the specific assertion were made by the accused persons in their surrender cum bail petition that they do not have criminal history and in that background bail was granted on 16.01.2023. Now an information has come through the



informant that they have criminal antecedent and in that background, the bail grant was canceled and non-bailable warrant issued against them vide an order dated 31.10.2023. It is that order which is under challenge.

5. Learned counsel for the appellants submit that though case was there, the fact remains that in the said case, the charge-sheet never came to be filed in the case of Cr. Appeal (SJ) No. 3333 of 2024 while in other case, there was a case of acquittal and another of minor offence. It was a bona fide mistake and as such was/were not stated.

6. Learned Special PP on the other hand opposes the prayer submitting that the antecedent was there, whether it was a petty offence or the charge-sheet was not submitted. The fact remains that there was no closure report, in that background, it was definitely a case of suppression of facts.

7. At this point, learned counsel for the appellants submit that as it happened under bona fide mistake, they intend to approach the concerned court with their respective petitions so that the same is considered.

8. If the appellants approach the court concerned with appropriate surrender cum bail petition showing their bona fide why the statement of having no criminal antecedent came to be



incorporated, the same shall be considered and the surrender cum bail petitions of the accused shall be disposed of on the same day.

9. This benefit has been extended to the appellants only if they approach the concerned court within a period of four weeks from today.

10. Both the appeal stands dismissed.

(Rajiv Roy, J)

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