

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5219 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- RAFIGANJ District- Aurangabad

Mohammad Tipu @ Tipu Kuraishi @ Tipu Sultan @ Md. Tipu Son of Jamil Akhtar @ Jamil Akhtar Resident of Hakimchak, P.O- Kerap, P.S- Rafiganj, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Kumari Daughter of Umesh Rajak Resident of Hakimchak, P.O- Kerap, P.S- Rafiganj, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sama Akhtar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 09-05-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Despite valid service of notice, none appears for the informant.

2. The instant appeal has been filed by the appellant against the order dated 20-07-2024 passed by Exclusive Special Judge (SC/ST) cum Additional & District Sessions Judge 1st Aurangabad whereby the prayer for anticipatory bail of the appellant in connection with Rafiganj PS case No. 183 of 2024 instituted under Sections 147, 148, 149, 341, 323, 307, 354, 504 & 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 09/05/2024,



when Respondent No. 2 went to use the washroom around 7:00 PM, the accused persons teased her and tried to outrage her modesty. When her father and other co-villagers intervened, the accused assaulted them and attempted similar acts against other women.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The impugned order is unsustainable as it is legally flawed and factually incorrect; the court below failed to consider that a counter case exists. There is no specific allegation of outraging modesty is made against the appellant, and the only accusation pertains to general assault. The appellant has been falsely implicated due to being a relative of other accused, highlighting the respondent's ulterior motive. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the rival submissions made by the learned counsel for the parties, let the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rafiganj PS case No. 183 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

7. Appeal stands allowed.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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