

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3512 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- GAURICHAK District- Patna

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Guddu Kumar @ Guddu Singh, S/O- Mahender Pratap Singh @ Late
Mahendra Singh, Village- Panchrukhiya Ps- Gaurichak Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Birju Paswan, S/o- Prabhu Sharan Paswan Village- Pachrukhiya Ps-
Gaurichak Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Kumar Shankaram, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Respondent No.2:	:	Mr. Shiv Shankar Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 20-05-2026 Heard learned counsel for the appellant, learned
counsel for the Respondent No.2 and learned Special Public
Prosecutor for the State through virtual mode.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for
anticipatory bail vide order dated 26.07.2025 passed by the
learned Exclusive Special Judge SC/ST, Patna, in A.B.A. No. 2536 of
2025 in connection with Gaurichak P.S Case No.391 of 2024
registered for the offence/s punishable under Sections 126(2),
115(2), 352, 351(2), 8(3), 3(5), of the Bharatiya Nyaya Sanhita,



2023 and under Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the allegation against the appellant is that he, along with other named accused persons, came to the house of the informant and assaulted the informant and other family members, resulting in head injury to the informant. It has further been alleged that the accused persons threatened the informant and other family members and abused them by taking the caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case out of an admitted land dispute between the two sides. It has further been submitted that despite the fact that a civil suit is pending in the Court, it is the informant who has been opposing the possession of the appellant on a certain piece of land and on account of which there is a dispute between two parties. It has next been submitted that from perusal of the FIR, it would be evident that there is nothing against the appellant of making any abusive words or using derogatory caste remarks and only a vague allegation has been made with regard to the use of the caste name. It has next been submitted that similarly situated co-accused, namely, Uma Shankar Singh and Shakti Singh, have



been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.11.2025 passed in Cr. App. (SJ) No.2386 of 2025.

5. Learned counsel for the Respondent No.2 and learned Spl. P.P. for the State have vehemently opposed the anticipatory bail application of the appellant and stated that the appellant has brutally assaulted the informant and caused a head injury. It has further been submitted that the appellant used criminal force and has been trying to forcibly capture the land which belongs to the informant and on account of such fact the appellant has committed the said incident. It has also been submitted that there is an allegation against the appellant of being a party to the incident, who has also, along with others, abused the informant.

6. In view of the aforesaid facts and circumstances of the case and taking into account that the appellant has a clean antecedent and there is no specific allegation against him, the impugned order dated 26.07.2025 passed by the learned Exclusive Special Judge SC/ST, Patna, in A.B.A. No. 2536 of 2025 in connection with Gaurichak P.S Case No.391 of 2024, is set aside against the appellant.

7. The criminal appeal is allowed.



8. Considering the aforesaid submission, facts and circumstances of the case, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Gaurichak P.S Case No.391 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the appellant shall be his/her close relative and the other shall be the local resident.
- (ii) The appellant shall in no manner threaten or try to contact or influence the informant.
- (iii) The learned Court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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