

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.334 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Chhotu Sharma S/O Gango Sharma R/O Village- Nawkothi, Ward No. 5, P.S-
Nawkothi, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhuneshwar Paswan S/O Late Ashrfi Paswan R/O Village- Hasanpur Bagar,
Ward No. 2, P.S- Nawkoth, Dist.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case
diary. Despite valid service of notice, none appears on behalf of
the informant.

2. Learned counsel for the appellant is permitted to
make necessary correction in paragraph no. 4 during course of
day.

3. The instant appeal has been filed by the appellant
against the order dated 03.12.2024 passed by learned Exclusive
Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer
for bail of the appellant in connection with Nawkothi P.S. Case



No. 156 of 2024 under Section 87 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(i)(r)(s)/3(2)(va) of SC/ST Act was rejected.

4. Prosecution case, in short, is that, the appellant has kidnapped informant's daughter and on getting information, when the informant went to the house of the appellant, they were hurled with caste abuse by the brother of the appellant and also threatened them for dire consequences.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that there is a love affair between the victim and the appellant and the appellant has not committed any offence. It is next submitted that statements of the victim recorded under Section 180 of B.N.S.S. and Section 183 of B.N.S.S. does not corroborate with each other. It is further submitted that no any sign of sexual intercourse has been found in her medical examination. 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 is in custody since 05.09.2024 and has got no criminal antecedent.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 03.12.2024 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai is hereby set aside.

8. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawkothe P.S. Case No. 156 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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