

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.766 of 2025

Arising Out of PS. Case No.-702 Year-2023 Thana- MAHUA District- Vaishali

Sonu Kumar @ Sonoo Kumar Son of Santosh Ray Resident of Village -
Billandpur, P.S. - Mahua, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Ram Son of Late Sonelal Ram Resident of Village and P.O. -
Bilandpur, P.S. - Mahua, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Bela Singh, Advocate

For the Respondent/s : Ms.Usha Kumari 1,Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 25-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 23.12.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in ABP No. 3192 of 2024 in connection with Mahua P.S. Case No. 702 of 2023 registered under Sections 363, 366, 34 of the Indian Penal Code and under Section 3(1)(r)(s)/3(2)(va) of the SC/ST (POA) Act pending in the Court of Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur.

3. As per the prosecution case, the appellant is alleged to have abducted the informant's daughter.



4. Learned counsel for the appellant submits that from the statement of the victim girl recorded under Section 161 Cr.P.C., it appears that the victim had left the house on her own. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place due to issues arising from false prestige and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and primarily, it appears that the occurrence has taken place due to issues arising from false prestige.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 23.12.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in ABP



No. 3192 of 2024 in connection with Mahua P.S. Case No. 702 of 2023, is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur /concerned Court below in connection with Mahua P.S. Case No. 702 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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