

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1160 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- RAHIKA District- Madhubani

Md. Chhote @ Chhote S/O Sanmullah @ Naiyar Resident of Village- Rahika,
P.S.- Rahika, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baiju Ram S/O Pawan Ram R/O Village- Rahika, P.S- Rahika, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-12-2025 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Sri Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 6-2-2025 in A.B.P. No. 2208 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Rahika P.S. Case No. 160 of 2024 registered for the offences punishable under Sections 137(2), 87, 126(2), 115(2), 351(2) and 3(5) of the BNS as well as Sections 3(1)(r)(s) and 3(2) (va) of the SC/ST Act.

3. Learned counsel for the appellant submits that the case



was taken up on 18-9-2025, when notices were issued on Respondent No. 2. and from perusal of the office report dated 24-11-2025, it would manifest that notices have been validly served on respondent No. 2, but then respondent No. 2 choose not to appear and contest.

4. It is next submitted that appellant is a person with clean antecedent and the informant alleges that his minor sister aged about 15 years on 23-7-2024 had gone to the school at 9 a.m. but did not return, on search the informant came to know that Ashraf enticed his sister and took her away for the purpose of marriage, accordingly he along with his family members went to the house of Ashraf where his family members, including the appellant, abused and refused to return the victim.

5. The learned counsel for the appellant submits that appellant being brother of Ashraf came to be implicated with general and omnibus allegations. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of Ashraf and thus was not in public view, hence *prima facie* no offence under the SC/ST Act is made out. It is further submitted that victim came back and her statement was recorded under Section 183 BNSS, wherein she has not supported the case of the prosecution, rather has stated that she along with Ashraf had gone to Delhi and where they stayed in two separate rooms and when she came to know about the institution of the instant case, she came back. It is also submitted that Ashraf was



taken into custody but then was released on regular bail by an order dated 8-10-2024 in GR Case No. 108 of 2024 by the learned District Court.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

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