

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1324 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- GORAUL District- Vaishali

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1. Rahul Kumar Son of Late Ramchandra Ray Resident of Village - Chakoliya, Mishroliya, P.S. - Sakra, District - Muzaffarpur
 2. Niraj Kumar Son of Late Ramchandra Ray Resident of Village - Chakoliya, Mishroliya, P.S. - Sakra, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sita Devi Wife of Fudeni Ram Resident of Village - Alipur, Sumerganj, P.S. - Kathara, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupa Kumari
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-06-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 bail vide order dated 20.02.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, cum District and Additional Sessions Judge, Vaishali at Hajipur in Garaul (Goraul) P.S. Case No. 338 of 2024 dated 30.06.2024 registered for the offence/s punishable u/ss 137(2), 96 read with section 3(5) of the BNS and 3(2) (va) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have kidnapped the minor daughter of the complainant on the pretext of marriage.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that there is love affair between the co-accused Sonu Kumar and Subham Kumar and the victim girls. There is nothing on record which shows that the victim was forced or seduced to have illicit relationship with another person. There is no allegation of sexual assault against the petitioner. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 27.01.2025.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated



20.02.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, cum District and Additional Sessions Judge, Vaishali at Hajipur in Garaul (Goraul) P.S. Case No. 338 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, cum District and Additional Sessions Judge, Vaishali at Hajipur in Garaul (Goraul) P.S. Case No. 338 of 2024.

(Chandra Prakash Singh, J)

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