

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1833 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- KUMAR KHAND District- Madhepura

Ganesh Mandal S/o Kari Mandal Resident of Korlahi, Ward No 07,
Kumarkhand, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o Bishundeo Paswan R/o vill - Korlahi, ward no. 7, P.S. -
Kumarkhand, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sanjiv Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Surya Narayan Yadav, Advocate

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

ORAL ORDER

4 24-07-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 09-04-2025 passed by learned Additional

District & Sessions Judge-1st-cum-Special Judge, SC/ST,

Madhepura, whereby the prayer for bail of the appellant in

connection with Kumarkhand PS Case No. 61 of 2025 under

Sections 126(2), 115(2), 137(2), 96 & 3(5) of the Bharatiya

Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of SC/ST Act was

rejected.

3. The informant alleged that on 04.03.2025 at around



3:00 A.M., the appellant along with seven others kidnapped her 17-year-old daughter from their home. When informant protested, the accused threatened her with a country-made pistol. Later, when she approached the accused at their house, they assaulted her and refused to release her daughter.

4. 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. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has stated that she went with one Rupesh Kumar at her own will and she has performed marriage with her. There is no whisper against the appellant in the statement of the victim. 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 12-03-2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the aforesaid facts and circumstances of the case, there being no role of the petitioner in the alleged occurrence and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09-04-2025 passed by learned Additional District & Sessions Judge-1st-cum-Special Judge (SC/ST), Madhepura is hereby set aside.

7. 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 Kumarkhand PS Case No. 61 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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