

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2074 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- GORAUL District- Vaishali

1. Goni Rai son of Late Jagdev Ray @ Jay Shiv Ray Resdent of Village -Rusulpur Gangti Police Station -Goraul Kathara, Dist- Vaishali
2. Pawan Kumar son of Goni Rai Resdent of Village -Rusulpur Gangti Police Station -Goraul Kathara, Dist- Vaishali

... .. Appellant/s

Versus

The State of Bihar bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar
For the Respondent/s	:	Mr.Usha Kumari l
For the Informant	:	Mr. Navin Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-07-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 07.05.2025 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara) P.S. Case No. 120/2025 dated 13.03.2025 registered for the offence/s punishable u/s 137(2) and 96 read with Section 3(5) of the



B.N.S.and Sections 3(1)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have kidnapped the minor cousin of the informant for selling her or killing her. When the informant went to the house of Asharfi Rai, they started abusing by calling caste name and threatened to kill him.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made out against the appellants. The victim is not traceless as the statement u/s 183 of the B.N.S.S. has been recorded. It is further submitted that the appellants are uncle and cousin brother of the co-accused, Sonu Kumar. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 30.04.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 07.05.2025 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara) P.S. Case No. 120/2025 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 Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara) P.S. Case No. 120/2025.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

