

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2292 of 2025

Arising Out of PS. Case No.-368 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

Mohammad Imroj @ Md. Imroj S/O Lallusekh @ Md. Lalu R/O Vill.-
Bangarahata, P.s.- Ghanshyampur, Dist.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanjit Kumar Paswan S/O Paltan Paswan R/O Vill.- Bangarahata, P.s.-
Ghanshyampur, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar, Adv.
For the Respondent/s	:	Ms. Madhumala Kumari, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 16-10-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. 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 of the appellant vide order dated 18.01.2025 passed by the learned Excl. Special Judge SC/ST(PoA) Act, Darbhanga in connection with Ghanshyampur P.S. Case No. 368 of 2024 dated 11.12.2024 registered for the alleged offences punishable under Section 96 read with Section 3(5) of the B.N.S. and Sections 3(1)(r)/ 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, the appellant is alleged to have kidnapped the minor daughter of the informant for the purpose of marriage. It is further alleged that when the informant went to the house of the appellant to inquire about his daughter then the appellant's father and his family members abused him by calling his caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There was love affair between the victim and the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The victim in her statement recorded u/s 183 of the B.N.S.S., there is no allegation of sexual assault against the appellant. It is further submitted that there is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 12.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no.2 have vehemently



opposed the prayer for bail of the appellant.

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 appellant, the impugned order dated 18.01.2025 passed by the learned Excl. Special Judge SC/ST(PoA) Act, Darbhanga in connection with Ghanshyampur P.S. Case No. 368 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Excl. Special Judge SC/ST(PoA) Act, Darbhanga in connection with Ghanshyampur P.S. Case No. 368 of 2024.

(Chandra Prakash Singh, J)

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