

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3252 of 2024**

Arising Out of PS. Case No.-12 Year-2024 Thana- KHAIRA District- Jamui

MD. TAFASSUL ANSARI @ TAJAJUL ANSARI S/O SUBHAN ANSARI  
R/O VILLAGE- GAMHARIYA, P.S- KHAIRA, DISTT.- JAMUI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MANJU DEVI W/O SANJAY RAVIDAS R/O VILLAGE- GAMHARIYA,  
P.S- KHAIRA, DISTT.- JAMUI.

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Appellant/s  | : | Mr.Anuj Kumar           |
| For the Informant    | : | Mr. Sanjay Kumar Mishra |
| For the Respondent/s | : | Mr.Usha Kumari 1        |

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

ORAL ORDER

4      27-03-2025                      Heard learned counsel for the appellant and learned  
counsel for the respondent no. 2 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 against the rejection of prayer for bail vide  
order dated 15.05.2024 passed by the learned Additional  
Sessions Judge-1st , Jamui in connection with Khaira P.S. Case  
No. 12 of 2024 dated 08.01.2024 registered for the offence/s  
punishable u/ss 363 and 366A of the Indian Penal Code and  
sections 3(1)(r), 3(1)(s) / 3(2) (va) of the SC/ST (POA) Act and  
section 8 of the POCSO Act.



3. As per the prosecution case, the appellant in connivance with the other co-accused persons are alleged to have kidnapped the minor daughter of the informant by enticing her.

4. Learned counsel for the appellant has submitted that the appellant has 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 SC/ST Act. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she went with the petitioner to Odissa and solemnized marriage with him and wants to go with him. The victim was not forced or seduced to have illicit relationship with another person. There is no allegation of sexual assault against the petitioner. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 17.01.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 15.05.2024 passed by the learned Additional Sessions Judge-1st , Jamui in connection with Khaira P.S. Case No. 12 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 Additional Sessions Judge-1st , Jamui in connection with Khaira P.S. Case No. 12 of 2024.

**(Chandra Prakash Singh, J)**

guddukr/-

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