

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3013 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- LALGANJ District- Vaishali

Sandeep Kumar, aged about 23 years, Gender (Male), S/o Munna Sah, R/o village- Saidpur (Saidanpur), P.S.- Lalganj, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Kishundev Paswan @ Kishundeo Paswan S/o Rajendra Paswan @ Rajinder Paswan R/o vill - Jafrabad, P.S.- Lalganj, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravish Mishra, Advocate
For the Informant	:	Mr. Rakesh Kumar Tiwary, Advocate
For the State	:	Mrs. Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-12-2025 Heard learned counsel for the appellant; learned counsel for the informant and learned Spl. PP for the State.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 01.07.2025 passed by learned Exclusive Special Judge - SC/ST, Vaishali at Hajipur in A.B.P. No. 1480 of 2025 arising out of Lalganj P.S. Case No. 138 of 2025 registered under Sections 137(2)/96 of the B.N.S. and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the FIR, the appellant along with other accused persons had allegedly kidnapped the minor daughter of the informant.



4. Learned counsel appearing on behalf of the appellant submitted that the victim girl and appellant have solemnized marriage with each other and they are leading a happy matrimonial life. He further submitted that in paragraph no. 9 of the application, a specific statement has been made that the victim girl has already filed a petition before the learned District Court on 30.06.2025 that she don't want to continue with the case after having solemnized marriage with the appellant. On the above background, learned counsel submitted that no case under Sections 137(2)/96 of the B.N.S. is made out against the appellant. He further submitted that so far as allegation under Sections 3(1)(r)(s) of the SC/ST (POA) Act is concerned, that is not made out as the incidence had taken place inside the house and the same is not in public view.

5. Learned counsel appearing on behalf of the informant admits that the daughter of the informant (victim) has solemnized marriage with the appellant.

6. In view of aforesaid submissions/informations, I find that the parties have resolved their dispute amicably. The Apex Court in the case of *Ramgopal & Anr. vs. State of Madhya Pradesh* reported in (2022) 14 SCC 531 has set aside the criminal prosecution under the circumstances that the parties



have entered into amicable settlement and has observed that the prosecution will only be vexatious, if allowed to proceed, and the same has recently been followed by the Apex Court in *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in *(2025) 4 SCC 78*,.

7. Accordingly, the appellant, above named, is directed to be released on bail, in the event of her/his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with A.B.P. No. 1480 of 2025 arising out of Lalganj P.S. Case No. 138 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

8. The impugned order is set aside and the appeal is allowed.

(Purnendu Singh, J)

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