

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3168 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- MAHALGAON District- Araria

Istakhar S/O Late Razzaque Resident of village- Chakai, Ward No.- 10, P.S.-
Jokihat, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Chaukidar Umesh Harijan S/O Lalchand Harijan R/O Vill.- Uda, Ward No.-
04, P.s.- Mahalgaon, Dist.- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr.Kumar Rajdeep, APP
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P

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

ORAL ORDER

4 27-11-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State whereas as per the office

notes dated 25.11.2025, notice upon respondent no. 2 deemed to

be validly served.

2. This is an appeal under Section 14A(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
07.07.2025 passed by the learned 1st Additional Sessions Judge
cum Exclusive Special Judge, Araria in connection with
Mahalgaon P.S. Case No. 67/2025 dated 13.04.2025 registered
for the offence/s punishable u/ss 126(2), 115(2), 87 read with



Section 3(5) of the B.N.S. and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

3. As per the prosecution case, the appellant alongwith 3-4 unknown persons are alleged to have kidnapped the wife of the informant forcibly. On 13.04.2025, when the informant went to the house of the appellant, the co-accused persons abused him by calling caste name and also assaulted him with lathi-danda and demanded extortion of Rs. 3 lacs to return his wife.

4. Learned counsel for the appellant has submitted that the appellant has 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. There was love affair between the appellant and the victim. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The victim in her statement recorded u/s 183 of the B.N.S.S. has stated that she was not forced or seduced to have illicit intercourse with another person. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 10.06.2025.

5. Learned Spl. P.P. for the State has 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 appellant, the impugned order dated / 07.07.2025 passed by the learned 1st Additional Sessions Judge cum Exclusive Special Judge, Araria in connection with Mahalgaon P.S. Case No. 67/2025 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 1st Additional Sessions Judge cum Exclusive Special Judge, Araria in connection with Mahalgaon P.S. Case No. 67/2025, with further condition:-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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