

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3342 of 2025**

Arising Out of PS. Case No.-60 Year-2025 Thana- Bhararhi District- Madhepura

Sanjay Kumar Sah @ Sanjay Ku Sah S/O Mantun Sah Resident of Village-
Bela Prasadi Ward No. 03, P.S- Rupauli, District- Purnia, presently resident of
Village- Maheshua Ward No. 11, P.S- Bharrahi, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sadunand Rishidev S/O Methilal Rishidev R/O Village- Maheshua Ward No.
11, P.S- Bharrahi, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarnath Jha, Adv
For the informant	:	Mr. Ranjay Kumar, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

- 3 30-10-2025 Heard learned counsel for the appellant 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, against the rejection of prayer for bail
vide order dated 25.07.2025 passed by the learned District and
Additional Sessions Judge 1st-cum-Special Judge SC/ST (PoA)
Act, Madhepura in connection with Bharrahi P.S. Case No. 60
of 2025 dated 07.05.2025 registered for the offence/s punishable
u/ss 126(2), 115(2), 74, 303(2) read with Section 3(5) of the
BNS and under Sections 3 (i) (r) (s) and 3 (2) (Va) of the SC/ST
(PoA) Act.



3. As per the prosecution case, on 03.05.2025 at about 8 P.M. the co-accused Nitish Kumar kidnapped the niece of the informant. Regarding the same matter, on 06.05.2025, all the accused persons came with lathi, danda and iron rod and started abusing the informant and the co-accused Nitish Kumar and Pradeep assaulted the informant on his head due to which he sustained severe head injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case merely on the basis of being brother-in-law of the co-accused Nitish Kumar. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. It is further submitted that the appellant has no concern with the said incident. It has further been submitted that the statement of the victim girl was recorded under Section 183 of the B.N.S.S., wherein she has stated that she was in love with the co-accused Nitish Kumar and she was not kidnapped rather she solemnized marriage with the co-accused Nitish Kumar on her own sweet will. 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 appellant has clean antecedent as stated in para 3 of the bail petition. The



appellant is in custody since 09.06.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have 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 25.07.2025 passed by the learned District and Additional Sessions Judge 1st-cum-Special Judge SC/ST (PoA) Act, Madhepura, in connection with Bharrahi P.S. Case No. 60 of 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 District and Additional Sessions Judge 1st-cum-Special Judge SC/ST (PoA) Act, Madhepura in connection with Bharrahi P.S. Case No. 60 of 2025.

(Chandra Prakash Singh, J)

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