

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3683 of 2025**

Arising Out of PS. Case No.-136 Year-2025 Thana- KRITYANAND NAGAR District-
Purnia

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Vishal Kumar Chauhan @ Vishal Chauhan S/o- Murari Chauhan R/o- Village-
Sarra Bathnata Ps- Kasba Dist- Purnea

... .. Appellant

Versus

1. The State of Bihar Bihar
2. Sunil Paswan S/o- Late Bhola Paswan R/o- Sakin Balua W.No-5, Ps-
K.Nagar Dist- Purnea

... .. Respondent

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Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Sp.P.P
For the Respondent	:	Mr. Sumit Kumar Bhagat, Advocate

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

ORAL ORDER

3 09-10-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Special Public
Prosecutor for the State.

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
04.08.2025 passed by the learned District & Additional Sessions
Judge VI-Cum- Special Judge, SC/ST Act, Purnea in connection
with K. Nagar P.S. Case No. 136/2025 dated 09.06.2025
registered for the offence/s punishable u/s 137(2) and 96 read



with Section 3(5) of the B.N.S. and Sections 3(1), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellant along with 4-5 friends is alleged to have kidnapped the minor daughter of the informant by enticing her. Further, when the informant went to the house of the appellant, the co-accused persons abused and assaulted them.

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. 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 under Section 180 and 183 of the B.N.S.S. has stated that she left her house and went with the appellant to Supaul and the victim has also stated that she had known the appellant for the past two years. There is a delay of 2 days in lodging the F.I.R. There is nothing on record which shows that the victim is forced or seduced to have intercourse with another person. The appellant has no 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 as well as learned counsel for the respondent no. 2 has vehemently opposed the



prayer of bail by submitting that the victim is a minor girl.

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 04.08.2025 passed by the learned District & Additional Sessions Judge VI-Cum- Special Judge, SC/ST Act, Purnea in connection with K. Nagar P.S. Case No. 136/2025 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 & Additional Sessions Judge VI-Cum- Special Judge, SC/ST Act, Purnea in connection with K. Nagar P.S. Case No. 136/2025, 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)

Atul/-

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