

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4475 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- PHULPARAS District- Madhubani

Badri Mukhiya Son of Anup Mukhiya Resident of village - Saraygadh , P.S.-
-Bhaptiyahi , District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Most. Shanti Devi Wife of Late Lalka Paswan Resident of Village-
Belmohan, P.S.- Phulparas, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar, Adv Mr. Udeshya Kumar Yadav, Adv. Mr.Ravi Prakash, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar Jha, Adv. Mr. Anant Kumar Bhaskar, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. 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 of bail of
the appellant vide order dated 27.07.2024 passed by the learned
Additional Sessions Judge-1-cum- Special Judge, Madhubani in
connection with Phulparas P.S. Case No. 112 of 2024 dated
27.03.2024 registered for the alleged offences punishable under



Sections 363, 366A read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. As per prosecution case, the appellant and the co-accused persons are alleged to have kidnapped the minor daughter of the informant and took her to some other place with the intention of marriage. It is further alleged that the accused persons may do wrong with her after committing rape or sell her for immoral act.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The occurrence took place on 24.03.2024 but the F.I.R. was lodged on 27.03.2024 and there is no explanation for this delay. The appellant has been made accused in this case only because he is the father of the co-accused, Niral Mukhiya. As per the F.I.R. there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that the victim is not traceless which is evident from the statement of the victim recorded u/s 183 of B.N.S.S. dated 26.03.2025. The appellant has no concern with the alleged offence. The appellant is in custody since 03.07.2024. The



appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail 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 27.07.2024 passed by the learned Additional Sessions Judge-1-cum- Special Judge, Madhubani in connection with Phulparas P.S. Case No. 112 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-1-cum- Special Judge, Madhubani in connection with Phulparas P.S. Case No. 112 of 2024.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

