

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4136 of 2025

Arising Out of PS. Case No.-281 Year-2025 Thana- NOORSARAI District- Nalanda

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Nitish Kumar Singh S/O Sri Chanarket Singh @ Chandrakant Singh R/O
Village- Baghar, P.S- Noor Sarai, Distt.- Nalanda at Biharsarif.

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Sarisa Devi W/O Late Kamta Paswan R/O Village- Baghar, P.S-
Noorsarai, Distt.- Nalanda at Biharsarif, Bihar, Pin Code- 803113, Mob.-
8579939366.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Narayan, Advocate

Mr. Brajesh Sahay, Advocate

For the State : Mr. Binay Krishna, SPP

For the Informant : Mr. Shyamal Prakash, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 27-11-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 04.09.2025 passed by learned Additional

Sessions Judge-VI-cum-Special Judge, SC/ST (PoA) Act,

Nalanda whereby the prayer for bail of the appellant in

connection with (Nalanda) Noor Sarai PS Case No. 281 of 2025



instituted under Sections 140(3), 325 & 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s)(w) of SC/ST Act was rejected.

3. The informant reported that her son Lalbabu Paswan left home on 17.12.2024 and did not return. The appellant initially informed the family that Lalbabu was safe and would return, but later the informant was unable to contact him, and his whereabouts remain unknown despite searches. It is further alleged that the appellant has since been threatening and abusing the informant's family, leading to the filing of the FIR.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is delay of five months in lodging the FIR. The informant's narrative is based on assumptions and fabricated allegations, with no witness ever seeing the victim in the company of the appellant. Investigation reveals that the victim had left home on his own due to personal issues, and no independent witness or evidence substantiates the allegation of abduction. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST



Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 18.07.2025 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.09.2025 passed by learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST (PoA) Act, Nalanda is hereby set aside.

7. Let the appellant be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with (Nalanda) Noor Sarai PS Case No. 281 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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