

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5075 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- MADHEPUR District- Madhubani

Ramashish Yadav @ Ram Ashish Yadav Son of Late Gyanchandra Yadav
Resident of Village Birpur, P.S.- Madhepura, Dist.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitish Kumar Son of Shivchand Paswan R/O Vill.- Birpur, P.S.- Madhepur,
Dist.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bimal Kumar
For the Resp.	:	Mr. Hriday Naryan Harshit
For the Respondent/s	:	Mr.Usha Kumari I

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

ORAL ORDER

3 27-03-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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 08.10.2024 passed by the learned Additional District
and Session's Judge-1st Cum- Special Judge, SC/ST (POA) Act,
Madhubani in G.R. No. 147 of 2024 arising out of Madhepur
P.S. Case No. 139 of 2024 dated 18.09.2024 registered for the
offence/s punishable u/ss 137(2), 96, 115, 352 read with section
3(5) of the BNS and sections 3(i)(r)(w) / 3(2) (va) of the SC/ST



(POA) Act.

3. As per the prosecution case, the appellant in connivance with the other co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of wrong doing.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. 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. There is love affair between the parties. The victim in her statement recorded u/s 180 of the BNSS. has stated that she solemnized marriage with the petitioner and started living with him. It is further submitted that the victim denied to be examined medically and said that nothing wrong has happened to her. The victim was not forced or seduced to have illicit relationship with another person. There is no allegation of sexual assault against the petitioner. The appellant has nine criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 20.09.2024.

5. Learned counsel for the respondent no. 2 as well as



learned Spl. P.P. for the State has 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 08.10.2024 passed by the learned Additional District and Session’s Judge-1st Cum- Special Judge, SC/ST (POA) Act, Madhubani in G.R. No. 147 of 2024 arising out of Madhepur P.S. Case No. 139 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 District and Session’s Judge-1st Cum- Special Judge, SC/ST (POA) Act, Madhubani in G.R. No. 147 of 2024 arising out of Madhepur P.S. Case No. 139 of 2024.

(Chandra Prakash Singh, J)

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