

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.95 of 2026

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

Nitish Kumar S/O Pradeep Sah Resident of Vill.- Maheshuwa, Ward no. 11,
P.S.- Bharahi, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sadanand Rishidev S/O Methilal Rishidev Resident of Vill.- Maheshuwa,
Ward no. 11, P.S.- Bharahi, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar Agrawal, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 25-06-2026 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 25.07.2025 passed by the learned Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Bharahi P.S. Case No. 60 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 303(2) and 3(5) of the Bharatiya Nyaya Sanhita and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.



3. The case of the respondent is that appellant has abducted the niece of the respondent. A call was made on 112. Police called the appellant and on the call of police victim was returned. It is further alleged that on 06.05.2025 the appellant along with others being armed with iron rod and lathi started abusing the respondent with caste name and assaulted.

4. Learned counsel for the appellant submits that in this case the victim has given her statement under Section 183 of the BNSS wherein she has stated that her marriage was solemnized with one Shivnandan Rishideo in the year 2012. She is also having two kids out of the wedlock. She was being assaulted by her husband, i.e. why she has solemnized marriage with the appellant. Learned counsel for the appellant has submitted that the statement of the victim goes to show that the appellant has not kidnapped her rather she has willingly married with the appellant. As far as allegation of assault is concerned, there is no injury to anyone. It has further been submitted that the appellant is having no criminal antecedent and he is in judicial custody since 23.05.2025.

5. Learned counsel for the complainant is present and has vehemently opposed the bail to the appellant.

6. In view of the submissions made by the learned



counsel for the appellant, the order dated 25.07.2025 passed by the learned Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Bharahi P.S. Case No. 60 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional District and Sessions Judge-cum-Special Judge(SC/ST), Madhepura in connection with Bharahi P.S. Case No. 60 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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