

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1100 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- MORKAHI District- Khagaria

Wasima Khatoon @ Wasima Khatun W/o- Md. Murtuja @ Mateja Village-
Bachhauta Ps- Morkahi Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajni Devi W/o- Jitendra Ram Village- Bachhauta, W.No-4, Ps- Morkahi Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mritunjay Kumar, Advocate
For the Respondent/s : Mr.Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-03-2026 Heard the parties.

2. This appeal is preferred against the order dated 12.02.2025 passed by the learned District and Additional Sessions Judge 1st-cum- Special Judge (SC/ST) Khagaria in connection with Morkahi P.S. Case No. 161 of 2024 registered for the offence under Sections 96, 351(2), 351(3), 352, 3(5) of B.N.S.S. and under sections 3(1)(r), 3 (1)(s) of S.C/S.T. Act by which anticipatory bail filed by the appellant has been rejected.

3. As per the prosecution case, allegations against the accused persons including the appellant is that they have kidnapped the victim girl.

4. Learned counsel for the appellant submits that the



appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the victim girl was later recovered and she had given a statement that she was in relationship with the son of the appellant and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that due to a dispute between the two families over a relationship between the boy and girl and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 12.02.2025 passed by the learned District and Additional Sessions Judge 1st-cum- Special Judge (SC/ST) Khagaria in connection with Morkahi P.S. Case No. 161 of 2024, is hereby set aside.

8. Let the appellant, in the event of his arrest or



surrender within four weeks from today, 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 District and Additional Sessions Judge 1st-cum-Special Judge (SC/ST) Khagaria /concerned Court below in connection with Morkahi P.S. Case No. 161 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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