

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1252 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- ASANWA District- Siwan

Uttam Kushwaha Son of Uma Bhagat @ Om Prakash Bhagat Resident of
village - Balua Mathiya, Police Station - Darauli, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Hari Kishore Manjhi Resident of village - Maniya,
Police Station - Asaon, District - Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 26-02-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor appearing for the State. Although the
notice has been validly served upon respondent No.2, there is no
representation on his behalf.

2. This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order dated
31.01.2025 passed by learned Additional Sessions Judge-1st-
cum-Special Judge, Siwan, in A.B.P. No. 18 of 2025 in
connection with Asawn P.S. Case No. 82 of 2024, registered
under Sections 137, 96 and 3(5) of the B.N.S. read with
Sections 3(1)(w)(ii), 3(2)(v) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer
for grant of anticipatory bail of the appellant has been rejected.



3. As per the prosecution case, the informant, Sunita Devi, alleges that Uttam Kushwaha (appellant) operates a clinic in her village, where her minor daughter, Lakshmi Kumari, used to go for treatment. The appellant occasionally used to talk to her daughter on the mobile phone. The informant forbade the appellant from talking to her daughter, but he refused. On 09.08.2024, at 2 A.M., the appellant enticed the daughter of the informant and took her away with the intention of marrying her. It is further alleged that the appellant along with his family members has kidnapped her daughter for the purpose of marriage.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. It has further been submitted that the statement of the victim girl was recorded under Section 164 of the Cr. P.C./183 of the B.N.S.S. wherein she has clearly stated that she was not kidnapped, rather she had gone out of her own sweet will and has performed marriage with appellant in a temple and has not alleged anything against the appellant. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the



privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the victim had gone out of her own sweet will and the victim is on the verge of majority, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, Siwan, in connection with Asawn P.S. Case No. 82 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 31.01.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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