

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2147 of 2025

Arising Out of PS. Case No.-541 Year-2024 Thana- GHOSI District- Jehanabad

1.

Rashida Khatoon W/o Md. Amzad @ Md. Amjad Resident of village Shekhpura, P.S.- Ghosi, District-Jehanabad
2.

Muskan Praveen D/o Md. Amzad @ Md. Amjad Resident of village Shekhpura, P.S.- Ghosi, District-Jehanabad

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Ranju Devi W/o Bablu Mochi Resident of village Shekhpura, P.S.- Ghosi, District-Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md Ataul Haque, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For the Informant	:	Mr. Umesh Kumar, Advocate
		Mr. Shubhankar Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 19-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 01.05.2025 passed by learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Jehanabad whereby the prayer for anticipatory bail of the appellants in connection with Ghoshi P.S. Case No. 541 of 2024 under Sections 137(2), 96 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of SC/ST Act was rejected.



3. The prosecution case, in short, is that the informant alleges that his 17-year-old daughter went to appear in Inter examination on 27.09.2024 but did not return and could not be traced. It is further alleged that co-villager Md. Arwaz had been threatening to marry her, and upon inquiry at his house, his family members abused the informant by taking caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel further submitted that there is a delay of thirty-four days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that from perusal of the FIR itself, it appears that there is no specific allegation against the appellants rather, only general and omnibus allegation has been made against them. Learned counsel for the appellants further submits that the appellants have 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 appellants have no intention to disgrace the image of the informant in public view. The appellants have no criminal antecedent.

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



appellants.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the appellants as also there being a considerable delay of thirty four days in lodging the FIR, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 01.05.2025 passed by learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Jehanabad in connection with Ghoshi P.S. Case No. 541 of 2024 is hereby set aside.

7. Let the appellants above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghoshi P.S. Case No. 541 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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