

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3320 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- KALUAHI District- Madhubani

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Khus Nasib Nutt@ Khushansib Nutt S/O Md. Zakir Nutt R/O Village-
Harswara@ Hariswara, PS- Khajauli, Distt- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi W/O Ram Babu Ram R/O Village-Baluatole, Ward no. 09, PS-
Kaluahi, Distt-Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ratnakar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Resp. No. 2	:	Mr. Udeshya Kr. Yadav, Advocate
		Mr. Gagandeo Yadva, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-04-2026 Heard Mr. Ratnakar Jha, learned counsel for the

appellant, Mr. Udeshya Kr. Yadav, learned counsel appearing
on behalf of the Respondent No. 2 as well as Mr. Binay Krishna
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 03.05.2025
passed by the learned Court of Additional Sessions Judge-I-
cum-Special Judge, (SC/ST), Madhubani in connection with
Kaluahi P.S. Case No. 44 of 2025, F.I.R. dated 28.03.2025
registered under Sections 137(2) and 96 of the BNS, 2023 and
Sections 3(1) (r), 3 (1) (s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes Act (Prevention of Atrocities) Act.



3. According to the prosecution case, this appellant along with other accused person have abducted the daughter of the informant and abused the informant by her caste name.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. In fact, the appellant was in love with the victim and the victim was recovered and her statement was recorded under Section 183 of the BNSS, 2023 in which she has not supported the case of the prosecution. Apart from the aforesaid, she has stated in her statement that she was pregnant on the date of her medical examination and she further submits that she is carrying pregnancy of 7 months from the appellant. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 30.03.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant has abducted the



daughter of the informant and apart from that he has established physical relation with the victim.

6. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, 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 learned Court of Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Madhubani in connection with Kaluahi P.S. Case No. 44 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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