

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3317 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- GORAUL District- Vaishali

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1. Jay Shiv Rai Son of Late Jagdev Rai
 2. Anita Devi Wife of Asharfi Rai
 3. Asharfi Rai Son of Late Jagdev Rai
 4. Raushan Kumar @ Roshan Kumar Roy @ Roshan Kumar Son of Jay Shiv Rai
 5. Ragini Kumari @ Ragni Kumari D/o Asharfi Rai
- All are resident of Village - Rusulpur Gangti, Police Station - Goraul (Kathara), Dist. - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Paswan Son of Late Birendra Paswan Resident of Village - Rusulpur Gangti, Police Station - Goraul (Kathara), Dist. - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar, Advocate
For the Informant	:	Mr.Arya Mani Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

03 23-02-2026

Heard Mr. Ranjeet Kumar, learned counsel appearing on behalf of the appellants and Mrs. Usha Kumari 1, learned Spl. PP for the State.

2. The appellants have preferred the present appeal under Section 14(A) (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for pre-arrest bail, vide order dated 23.05.2025 passed by



the learned Exclusive Special Judge SC/ST Act cum District and Addl. Sessions Judge, Vaishali at Hajipur in ABP No.1204 of 2025 arising out of Goroul (Kathara) PS Case No.120 of 2025, registered for the offences under Sections 137(2), 96, 3(5) of BNS and Sections 3(1)(r)(s) of SC/ST Act.

3. As per the allegation made in the FIR, the co-accused persons including the appellants have kidnapped the niece of the informant.

4. Learned counsel appearing on behalf of the appellants submitted that the appellants are close family members of the main co-accused, Sonu Kumar @ Golu Kumar, who was in relationship with the niece of the informant and for the said reason, the appellants have been made accused in the present case. Learned counsel further submitted that the victim girl in her statement recorded under Section 183 of BNSS has not supported the prosecution story. The co-accused, who got married with the niece of the informant, has been released on regular bail, vide order date 10.02.2026 passed in Cr. Misc. No.75572 of 2025. Learned counsel also submitted that the niece of the informant, who is adult, as per her own desire has performed marriage with the co-accused, Sonu Kumar @ Golu Kumar and in absence of any specific allegation against the



appellants duly supported by the victim girl in her statement recorded under Section 183 of BNSS, they deserve to be released on pre-arrest bail.

5. *Per contra*, Mr. Arya Mani Kumar, learned counsel, who has tendered his appearance on behalf of the informant has opposed the bail application of the appellants.

6. Learned Spl. P.P. has also vehemently opposed the prayer for grant of pre-arrest bail to the appellants.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR, I find that the victim girl has not supported the allegation alleged against the appellants in her statement recorded under Section 183 of BNSS.

8. The appellants, above named, are directed to be released on pre-arrest bail, in the even of their arrest or surrender before the learned court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with ABP No.1204 of 2025 arising out of Goraul (Kathara) PS Case No.120 of 2025, subject to the conditions as laid down under Section 482 of the BNSS.



9. Accordingly, the impugned order is set aside and
the present appeal is allowed.

(Purnendu Singh, J)

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