

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3719 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- RAGHOPUR District- Supaul

Md. Arwaz Son of Md. Ansarul Resident of village - Rambishanpur, Ward
No.- 7, P.S.- Raghopur, District – Supaul. Appellant/s
Versus

1. The State of Bihar.
2. Raj Kumar Sharma Son of Kamal Sharma, Resident of village - Fingalas,
Ward No.- 15, P.S.- Raghopur, District - Supaul. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for short 'the Act') against the order
dated 23.07.2025 passed by the learned District and Additional
Sessions Judge 1st cum Special Judge (SC/ST Act) Supaul, in
A.B.P. No. 1002/2025 in connection with Raghopur P.S. Case No.
182/2025 registered under Sections 137(2), 96, 115(2), 352,
351(2) and 3(5) of BNS and Sections 3(1)(r)(s), 2(r a) of SC/ST
Act.

3. Present appeal is well within limitation as prescribed
under Section 14A(3) of the Act.



4. Allegation against the appellant is to kidnap the minor daughter of the informant aged about 18 years for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing for the appellant submitted that during course of investigation the daughter of the informant was recovered and her statement was recorded under Section 183 of BNSS, where she categorically stated that she left her parental home out of her own sweet will and, thereafter, solemnized marriage with appellant in Temple. It is submitted that she not even stated anything that any physical relationship was established with appellant. It is pointed out that allegation of sexual assault is also not available against appellant as per aforesaid statement. Upon medical examination, victim found between the age group of 17-19 years. Appellant claimed clean antecedent.

6. Arguing further, it is submitted that no allegation as to abuse the informant appears available on facial perusal of the FIR and, moreover, occurrence is not due to atrocities as defined within the meaning of Act.

7. Learned Special P.P. duly assisted by learned counsel Mr. Amrit Abhijat, appearing for the informant, while opposing the prayer of bail submitted that appellant belongs to different religion and it was done in very planned manner and it is a case of “love



jihad". It is submitted that in admit card of matriculation examination, the victim was minor on the date of occurrence as her age was recorded there as 07.05.2008. It is submitted that in view of same the statement as recorded under Section 183 of BNSS is of no relevancy.

8. Taking contrary to the aforesaid submission, it is submitted by learned counsel that marriage was solemnized in Mandir and, moreover, during investigation several witnesses while recording their statement under Section 161 of Cr.P.C./180 of BNSS said that appellant was in love with daughter of the informant since before one year of the occurrence and they are planning to solemnize their marriage after attaining majority.

9. Let it be so, considering the allegation, as victim categorically denied allegation of kidnapping and establishing physical relationship with appellant through her statement recorded under Section 183 of BNSS, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond 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 Act) Supaul/concerned Court, where



the case is pending in connection with in A.B.P. No. 1002/2025 in connection with Raghopur P.S. Case No. 182/2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, impugned order dated 23.07.2025 as passed through A.B.P. No. 1002/2025 is hereby set aside/quashed.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

