

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4541 of 2025

Arising Out of PS. Case No.-411 Year-2025 Thana- TURKAULIYA District- East Champaran

Prince Kumar Sahani @ Prince Kumar S/o- Madan Sahani Vill- Koraiyan PS-
Turkauliya Distt- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi W/o- Manoj Paswan R/v- Turkauliya Gandhi Ghat Kanhi Tola
Ps- Turkauliya Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kundan Rathore @ Kundan Kumar, Advocate
For the informant	:	Mr. Suraj Kumar Tiwari, Ac..
		Mr. Akshay Tripathi, Advocate
For the State	:	Mr.Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 12.09.2025 passed by learned Special
Judge SC/ST Act, East Champaran, Motihari, whereby the
prayer for bail of the appellant in connection with Turkauliya
P.S. Case No. 411 of 2025, under Sections 64, 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r), 3(1)(s) of
the SC/ST Act was rejected.

3. Prosecution case, in short, is that Prince Kumar
Sahani (Petitioner) under the amuse of marriage established



physical relation with the daughter of the informant. Later on, on 23.08.2024 petitioner married with the daughter of the informant. When informant approached the parents of the petitioner to keep his daughter as daughter in law, then petitioner and his parents refused to do so and abused him taking his caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the appellant has 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 appellant has no intention to disgrace the image of the informant in public view. The victim, in her statement recorded under Section 183 of BNSS has not supported the case of the prosecution. The victim is major. The appellant is in custody since 25.08.2025 and has 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 appellant.

6. Considering the aforesaid facts and circumstances



of the case, statement recorded under Section 183 of BNSS and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.09.2025 passed by learned Special Judge SC/ST Act, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 411 of 2025, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Turkauliya P.S. Case No. 411 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the Appellant.

(II) The Appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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