

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4549 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- SHEOHAR District- Sheohar

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1. Ramesh Sah S/O Ramdev Sah R/O village - Baidhnathpur, P.S.- Tariyani, District- Sheohar
 2. Asha Devi W/O Ramesh Sah R/O village - Baidhnathpur, P.S.- Tariyani, District- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sammat Ram S/O Late Rampratap Ram R/O village - Nagar Parishad, ward no. 14, P.S.- Sheohar, District- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 16-04-2026 Heard learned counsel appearing for the appellants and the learned Special Public Prosecutor for the State.

2. The present appeal has been filed by the appellants seeking grant of bail and setting aside the order dated 13.10.2025 passed by the learned District and Additional Sessions Judge, 1st-cum-Special Judge, SC/ST, Sheohar in A.B.P. No. 385 of 2025, arising out of Sheohar P.S. Case No. 252 of 2025, registered for the offences punishable under Sections 137(2) and 87 of the BNS and Sections 3(1)(s) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, the FIR has been instituted against two named and one unknown accused persons. It transpires from the FIR that the informant's daughter, aged about 20 years, had gone to a general shop to purchase some goods, but when she did not return, the informant attempted to contact her on her mobile phone, which was found switched off. During search, the informant received information that his daughter had been kidnapped by co-accused Chandan Kumar and Golu Kumar with the assistance of other unknown persons. It is further alleged that on the same day, when the informant went to the house of the accused persons, the parents of the accused abused him by taking the name of his caste and also extended threats, whereafter the present FIR was lodged.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated. It is contended that the appellants are not named in the FIR and the allegation against them arises only from an alleged conversation between the informant and the parents of the co-accused, which took place inside the house and not in public view. It is further submitted that, therefore, the provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are not attracted. Learned counsel further submits that no allegation of kidnapping or taking away



of any person is attributed to the present appellants; rather, such allegation is only against their son. The appellants are stated to have clean antecedents and undertake to abide by all terms and conditions as may be imposed by this Court.

5. Learned Special Public Prosecutor opposes the prayer for bail and submits that there are allegations of kidnapping against the son of the appellants. It is submitted that the victim has since been recovered and, for that reason, this Court had called for the case diary along with the statement of the victim. It is further fairly submitted that the alleged abusive words appear to have been used within the house and not in public view, as per the FIR. However, it is contended that a decision may be taken only after perusal of the case diary and the statement of the victim.

6. Upon perusal of the case diary and the statement of the victim, it transpires that the victim has not levelled any allegation against either the appellants or their son. On the contrary, she has stated that she had gone with the son of the appellants of her own free will with a view to solemnize marriage with him. The victim has further stated that she resided with him at Delhi and still wishes to reside with him. She has also stated that the appellants, being her prospective in-laws,



have treated her well.

7. Considering the aforesaid facts and circumstances, particularly the absence of specific allegations against the appellants, the nature of the occurrence, and the statement of the victim, this Court sets aside the order dated 13.10.2025 passed by the learned District and Additional Sessions Judge, 1st-cum-Special Judge, SC/ST, Sheohar in A.B.P. No. 385 of 2025, arising out of Sheohar P.S. Case No. 252 of 2025. The appellants are directed to be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the learned District and Additional Sessions Judge, 1st -cum-Special Judge SC/ST, Sheohar in connection with the aforementioned case, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

9. Accordingly, the appeal stands allowed.

(Dr. Anshuman, J)

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