

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4568 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- MURLIGANJ District- Madhepura

Md. Rahman S/O Late Habib Miya R/O Village- Bhat Khora Musharnia Rahi,
Ward No. 5, P.S- Murliganj, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi W/O Late Lalan Rishidev R/O Village- Bhat Khora, Tola Musharniya Rahi, P.S- Murliganj, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Durgesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Barun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 30-04-2026 Heard learned counsel appearing for the appellant, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 17.10.2025 passed in a case registered for the offence punishable under Sections 96 and 137(2) of the B.N.S. and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

3. As per prosecution case, co-accused Md. Mujahir, along with other accused persons, including this appellant,



kidnapped the minor daughter of informant aged about 14 years for the purpose of illicit intercourse/marriage.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of kidnapping minor daughter of informant is against co-accused Md. Mujahir. So far as this appellant is concerned, he has falsely been implicated in this case merely because he happens to be friend of co-accused Md. Mujahir. It is further submitted that there is absolutely no allegation of abuse by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is lastly submitted that co-accused Md. Hakeem Miya, having similar and identical allegations, has already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 23.02.2026 passed in *Cr. Appeal (SJ) No. 3814 of 2025*.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the



case, general and omnibus nature of accusation and claim based on parity, this appeal is allowed and the impugned order dated 17.10.2025 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge, Madhepura in connection with A.B.P. No. 1273 of 2025 arising out of Murliganj P.S. Case No. 162 of 2025 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Additional District and Sessions Judge 1st-cum-Special Judge, Madhepura in connection with Murliganj P.S. Case No. 162 of 2025.

(Prabhat Kumar Singh, J)

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