

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1086 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -MAHILA PS District- KATIHAR

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1. Uttam Kumar Yadav, son of Ram Prasad Yadav, resident of Village- Pothia,
P.S.- Falka, District- Katihar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsel for the appellant as well as learned
APP for the State.

2. This criminal appeal, filed under section 14A (2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred against
the order dated 04.11.2016 passed by learned Additional Sessions
Judge 1st, Katihar in G.R.No. 2444 of 2016, refusing to enlarge the
appellant on bail in connection with Katihar Sadar Mahila P.S.Case
No. 69 of 2016.

3. The accusation against the appellant is that he forcibly
established physical relation with minor daughter of informant since
last one year, as a result whereof the informant's daughter became



pregnant.

4. Submission on behalf of the appellant is that the informant lodged this false case due to previous enmity and dispute and, as a matter of fact, the informant is herself a lady of questionable character. To fortify the above stated contention, learned counsel for the appellant submits that prior to institution of the present case, the informant had lodged false cases against several persons and after taking money from them, she entered into compromise. He further submits that, moreover, the informant gave written report on 21.07.2016 and much prior to the aforesaid written report, the husband of the informant lodged complaint case bearing Complaint Case No.1300 of 2016 against the appellant for the same occurrence but, later on, he filed compromise petition in the aforesaid complaint case and left the pairvi of the aforesaid Complaint case, resulting dismissal of the aforesaid Complaint Case. He further submits that apart from this, the victim was medically examined but she was not found pregnant by the medical officer and no sign of abortion was also found and, therefore, the aforesaid fact goes to show that the informant lodged this false case with some ulterior motive and, moreover, the appellant is languishing in jail custody since 19.09.2016.

5. Although learned Special Public Prosecutor opposed the



prayer for bail of the appellant but considering the aforesaid facts and circumstances as well as submission of the parties, this criminal appeal is allowed and the impugned order dated 04.11.2016 passed by learned Additional Sessions Judge 1st, Katihar in G.R.No. 2444 of 2016 stands set aside.

6. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st ,Katihar in connection with G.R.No. 2444 of 2016 arising out of Katihar Sadar Mahila P.S.Case No. 69 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
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