

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No. 200 of 2018

Arising Out of PS.Case No. -17 Year- 2017 Thana -SHANKARPUR District- MADHEPURA

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Gopal Yadav, S/o Nago Yadav @ Nageshwar Yadav, resident of village
Kabiyahi Tola, Moura Baghala, P.S Shankarpur, District Madhepura

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-01-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail by the learned Special Judge (S.C./S.T.), Madhepura in H.A. Case No. 121 of 2017 arising out of Shankarpur P.S. Case No. 17 of 2017 registered under Sections 376(D), 506/34 of the Indian Penal Code as well as Section 3(i)(w)(ii) of the SC/ST Act.

Co-accused Santosh Yadav, against whom there is specific allegation of commission of rape against the informant, has already been allowed bail by a Coordinate Bench of this Court vide order dated 06.12.2017 passed in Cr. Appeal (SJ) No. 3362 of 2017 considering the fact that the victim in her evidence during



trial has not claimed to have identified the rapist. Other witnesses also did not support the case.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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