

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3722 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -BASANHI District- SAHARSA

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1. Amresh Yadav @ Amresh Kumar Yadav Son of Raja Ram Yadav Resident of
Village- Atalkha, P.S. Bashnahi, District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-11-2018

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 vide order dated 06.09.2018 in Basnahi P.S. Case No. 73 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saharsa in connection with the aforesaid case registered under Sections 452, 354 of the Indian Penal Code as well as Section 3(i)(r)(s)(w)(i) of the SC/ST Act.

According to FIR, the appellant entered into the house of the informant with some illicit purpose. When the husband of the informant protested, on the point of pistol the appellant chased him out side the house and thereafter took the informant in his lap and was going out side but the people assembled and the appellant fled away after



leaving her. The FIR further discloses that since compromise talk was going on, the matter was reported to the police after delay of few days. In her statement under Section 164 Cr.P.C., the informant stated that appellant had committed rape against her.

Considering the conflicting statement of the informant and the fact that the appellant is in custody since 21.07.2018 and investigation of the case is already complete, 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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.11.2018
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