

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.65 of 2018

Arising Out of PS.Case No. -26 Year- 2015 Thana -MAHILA PS District- AURANGABAD

- =====
1. Rajendra Yadav, S/o Dharamdeo Yadav,
 2. Naresh Yadav S/o Dharmdeo Yadav, R/o Village- Sonar Chak, P.S.- Salaiya, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-04-2018

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 against the refusal of prayer for anticipatory bail by the learned Special Judge (POCSO Act), Aurangabad, in connection with Aurangabad Mahila Police Station Case No.26 of 2015 registered under Section 354/34 of the Indian Penal Code, Section 8 of the POCSO Act and Section 3(1)(x)/3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, appellant No.1 Rajendra Yadav entered into the house of the informant and attempted to sexually assault her. On alarm, he fled away. However, subsequently the appellant No.1 along with appellant No.2 Naresh Yadav came and threatened the



informant not to lodge the case and abused by taking caste name. During investigation, the witnesses have supported the allegation as hearsay witness and as eyewitness of the subsequent occurrence.

Learned counsel for the appellants submits that appellant Rajendra Yadav is suffering from Carcinoma in the throat and the police had not sent-up appellant No.2 Naresh Yadav for trial after investigation. However, the learned Court-below has taken cognizance against him.

Considering the nature of allegation against the appellants, in my view, this is not a fit case for grant of anticipatory bail. Hence, this Court is not inclined to interfere with the impugned order. However, in the event of surrender of the appellants within two weeks from the date of communication of this order, the learned Court-below shall dispose of the prayer for regular bail considering the fact that one of the appellants is suffering from Carcinoma and he is getting regular treatment.

With the aforesaid observation, this appeal stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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