

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.878 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -DHIBRA District- AURANGABAD

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1. Yogendra Yadav S/o Shambhu Yadav R/o Village Banbisunpur, P.S. Dhibra, District Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-03-2018

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 anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. Act, Aurangabad in Dhibra P.S. Case No. 02 of 2018 registered under Sections 341, 323, 325, 504 of the Indian Penal Code as well as Sections 3(i)(r), 3(1)(s), 3(ii)(va) of the SC/ST Act.

The occurrence of abuse and assault, allegedly, took place at lonely place and not in public view.

Hence, submission is that the offence of the SC/ST Act is not attracted in the facts and circumstance of this case and the offences of the Indian Penal Code alleged are bailable.



Learned Special Public Prosecutor has opposed the prayer for bail.

Hence, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as 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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