

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.292 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- MAHILA PS District- Darbhanga

Raj Kishor Yadav, aged about 30 years, (M) s/o-Kailu Yadav @ Bindeshwar
Yadav Resident of Village - Athlar, P.S. - jamalpur, district- darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 12-03-2019 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 bail by order dated **11.12.2018** passed by learned **1st Additional Sessions Judge, Darbhanga** in connection with **Darbhang Mahila P.S. Case No. 83 of 2018** registered under Sections 376 (G) of the IPC, Section 3 (2) (w) (v) of SC/ST (Prevention of Atrocities) Act and Section 4/6 of POCSO Act..

Informant who is the victim girl has stated in her written complaint that on 19.10.2018 at about 10:30 P.M. she had gone to see fair and when she was returning after seeing the fair then suddenly on one motorcycle two miscreants including appellant forcibly took her on motorcycle and fled away and took her in



the under constructed Madarsa and committed rape upon her and on the next day both took her to Darbhanga and shut her in a room and committed rape upon her thereafter on 22.10.2018 at about 11:00 A.M. both of them dropped her in PHC, Biraul health center and thereafter she returned to her house.

It has been submitted on behalf of the appellant that he is innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity and village politics. The incident is of 19.10.2018 and according to the FIR the victim return on 22.10.2018 but in between no steps were taken by the family members of victim to institute any case against the appellant. It has been submitted that the girl was subjected to medical examination on 24.10.2018 and no sign of any rape was found or any injury in any part of her body was found. The opinion of Medical Board is that hymen was intact and she was not subjected to any sexual intercourse. Appellant has got no criminal antecedent and is in custody since 28.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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,with
following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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