

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.348 of 2019

Arising Out of PS. Case No.-24 Year-2016 Thana- TARARI District- Bhojpur

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Mahesh Yadav @ Mahesh Kumar, aged about 22 years (Male), S/o Late Lal Bahadur Yadav @ Lal Bahadur Singh, Resident of Village-Barsi, P.S.-Tarari, District-Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravindra Kumar

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-04-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 10.12.2018 passed by the learned Additional District and Sessions Judge, 1st, Bhojpur, Ara in connection with SC/ST Case No.421(A)/17 arising out of Tarari P.S. Case No.24/16 registered under Sections 448/341 / 354(A)/354(B)/506/34 of the Indian Penal Code, Section 4/8 of the Protection of Children from Sexual Offence Act, 2012



and Section 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant in her written report has alleged that on 26.04.2016 while she was alone in her house, Saroj Yadav and Mahesh Yadav (appellant) entered into her house and allegation is that at the instigation of co-accused, Saroj Yadav, Mahesh Yadav (appellant) caught her hand and tried to outrage her modesty, however, on raising alarm, they fled away with threatening not to disclose this incident to anyone.

It has been submitted that appellant has committed no offence and has falsely been implicated in this case and was not present in the village on the date and time of occurrence. He resides outside. Police has already submitted charge-sheet against the appellant to commit rape upon the informant. Charges have been framed against appellant. Appellant has no criminal antecedent and he is in custody since 15.03.2018.

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)

Sanjay/-

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