

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.786 of 2019**

Arising Out of PS. Case No.-197 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

RAJU YADAV, aged about 30 years, Gender, Male, Son of Late Bhukhan Yadav @ Bhukhan Singh, Resident of Village - Dhankadha, P.S.- Sasaram (Mufassil), Distt - Rohtas at Sasaram

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-03-2019 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 23.01.2019 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram in connection with POCSO Case No.77 of 2018 arising out of Sasaram (Mufassil) P.S. Case No.197 of 2018 registered under Sections 376 of the Indian Penal Code, Section 3 of POCSO Act and Section 3(i) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is to have committed rape upon the minor daughter of the informant.



It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case due to personal grudge. It has further been submitted that as per medical report, age of victim girl is 15 to 16 years and doctor has not found any sign of rape and only attempt to commit rape has been found. Appellant has no criminal antecedent and he is in custody since 25.10.2018.

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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