

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.780 of 2019**

Arising Out of PS. Case No.-57 Year-2018 Thana- SHERGHATI District- Gaya

Krishna Yadav @ Ghocha @ Ghochu, aged about 40 years, (M) Son of Late
Munshi Yadav R/o village- Dewanpur, P.S- Sherghati, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-03-2019 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 **15.01.2019** passed by learned **Exclusive Special Judge, SC/ST, Gaya**, in connection with **Sherghati P.S. Case No. 57 of 2018** registered under Section 376 of the IPC and Section 3 (i) (w) (i) (ii), 2 (v-a) of SC/ST (Prevention of Atrocities) Act.

Informant in her fardbeyan has stated that on 05.02.2018 when she was cooking in her house Sanjay Yadav forcibly took her in the wheat field and committed rape with her. She has supported the allegation in her statement made under Section



164 of the Cr.P.C. recorded by the Magistrate. Allegation against appellant is that after committing rape Sanjay Yadav also called appellant by calling him on his mobile.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. There is no allegation of any sexual assault committed by the appellant. Victim has also not alleged anything against appellant in her statement under Section 164 of Cr.P.C. The Medical Board has assessed the age of girl between 19 to 20 years. Appellant has got no criminal antecedent and is in custody since 09.01.2018.

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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