

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.831 of 2019

Arising Out of PS. Case No.-375 Year-2018 Thana- HARSIDHI District- East Champaran

SHAMBHU YADAV aged about 45 Years Male, Son of Late Raman Yadav
Resident of Village - Yadavpur Kanchewa, P. S.- Harsidhi, District - East
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Adv
For the Respondent/s : Ms.Usha Kumari 1, APP

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 29.01.2019 passed by learned Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 375 of 2018 registered under Sections 376/34 of the IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.



Informant in her written complaint has alleged that on 06.09.2018 at about 8:00 pm while she was going to attend the call of nature Anita Devi also accompanied her and thereafter petitioner Shambhu Yadav along with Anita Devi pressed her mouth and took her in the Sugarcane field and on raising alarm anyhow she fled away saving her modesty and further informed other people and when they went to the house of Shambu Yadav (petitioner), he started abusing and assaulting her.

It has been submitted on behalf of the appellant that the allegations are false and concocted and he has committed no offence. The statement of the victim girl was recorded under Section 164 of the Cr.P.C but there is contradiction in the statement of FIR and statement of 164 Cr.P.C. Appellant has got no criminal antecedent and is in custody since 29.01.2018.

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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