

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.861 of 2019**

Arising Out of PS. Case No.-122 Year-2018 Thana- MANSAHI District- Katihar

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Harendra Yadav Son of Matwar Yadav @ Brahmanand Yadav Resident of
Village- Sarifganj (Naya Tola), Police Station- Sahayak, District- Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratnakar Ambastha
For the Respondent/s : Mr. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 29-04-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 02.02.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Katihar in Mansahi P.S. Case No. 122 of
2018 registered under Sections 366A of the Indian Penal Code
and Sections 3(i)(s)(r) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant is said to have kidnapped the minor
daughter of the informant.

It is submitted by learned counsel for the appellant



that no such occurrence as alleged ever took place. Victim in her affidavit given before the court below has submitted that she has *suo motu* married with the appellant. Appellant has no criminal antecedent and has been languishing in custody since 17.11.2018.

Learned Spl. PP for the State vehemently opposing the bail prayer of the appellant submitted that victim in her statement recorded under Section 164 Cr.P.C. has stated that the appellant along with other accused persons kidnapped her and taking her at desolate place, appellant committed rape against her 4-5 times. He kept her locked in the dark room. Doctor has also found hymen of the victim torn and has opined that the victim has been used for sexual intercourse.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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