

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.851 of 2019**

Arising Out of PS. Case No.-416 Year-2018 Thana- DAUDNAGAR District- Aurangabad

NANHKU YADAV Son of Late Tengari Yadav @ Late Gyandutt Yadav  
Resident of Village- Shamsher Nagar, Police Station- Daudnagar, District-  
Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Prabhat Kumar Dipak

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

6      28-06-2019                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 01.02.2019 passed by learned Special Judge SC/ST, Aurangabad in connection with Daud Nagar P.S. Case No. 416 of 2018 registered under Section 3(i) (r) (s) (w) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Section 8 of the POCSO Act and Section 354-B of the Indian Penal Code.

Appellant is said to have teased and tried to



outrage modesty of grand daughter of informant by striping of her trouser when she had gone to his house to fetch cow dung cake.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics to tarnish his image. Neither the informant nor any witness happens to be eye witness of the occurrence. As per the F.I.R. and statement of the informant and the victim the aforesaid occurrence took place when the victim had gone to the house of the appellant to fetch cow dung cake but the victim in her statement under Section 164 Cr.P.C. has stated that she had gone to the market to fetch cow dung cake and appellant had met him in the market. Hence, as per the aforesaid statement there is no question of teasing and trying to outrage the modesty of the victim by the appellant in his house. The said statement creates serious doubt about the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 07.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellant is directed to be enlarged on bail on  
furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)  
with two sureties of the like amount each to the satisfaction of  
the learned Special Judge SC/ST, Aurangabad in connection  
with Daud Nagar P.S. Case No. 416 of 2018.

Accordingly, the impugned order is set aside and  
appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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