

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1143 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- PARAIYA District- Gaya

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UMESH YADAV @ MAHESH YADAV @ PARIYA Son of Gurucharan
Yadav Resident of Village- Girdhara, P.S.- Paraiya, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal
of prayer for bail by order dated 13.02.2019 passed by learned
Exclusive Special Judge, SC/ST Act, Gaya, in connection with
Paraiya P.S. Case No. 18 of 2019 registered under Sections 376,
511 and 457 of the Indian Penal Code and Section 3(i)(w)SC/ST
(Prevention of Atrocities) Act, 1989.

Informant has alleged in her fardbeyan that on
27.01.2019 at about 11.00 PM she was alone in her house and a
show was going in his village, meanwhile appellant and other
accused entered into her house after climbing the wall and
caught hold her hand and tried to outrage her modesty and also
attempt to commit rape but on raising alarm, neighbours



assembled and they fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to enmity and village politics. Appellant has no criminal antecedent and he is in custody since 28.01.2019.

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/-(twenty thousand) 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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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