

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2634 of 2019**

Arising Out of PS. Case No.-57 Year-2019 Thana- HILSA District- Nalanda

DEEPAK KUMAR Son of Prakash Prasad @ Gope Jee @ Satya Prakash  
Yadav Resident of Village- Gulni, P.S.- Hilsa, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Tej Narayan Singh  
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3      24-07-2019                      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 of anticipatory bail vide order dated 03.05.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge, Nalanda at Biharsharif in connection with Hilsa P.S. Case No. 57 of 2019 registered under Sections 354 D, 341, 323, 504 & 506/34 of the Indian Penal Code, Section 8/12 of the POCSO Act, Section 3(x) (g) (h) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 67 of the I.T. Act.



While the informant along with brother-in-law of her sister was regressing to her house on tempo, on the way F.I.R. named accused persons dragged her out from the tempo, misbehaved and teased with her and one unknown miscreant made videography of the occurrence and made it viral and on protest made by them, they assaulted them.

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. He is not named in the F.I.R. During the course of investigation his name has surfaced only on the basis of divulgence of the spy which has no evidentiary value in the eye of law. The informant in her statement made under Section 164 Cr.P.C. has not named the appellant as a person involved in the occurrence. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 1<sup>st</sup> Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Hilsa P.S. Case No. 57 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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