

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2726 of 2019

Arising Out of PS. Case No.-207 Year-2006 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Tuntun Yadav, aged about 71 years, male, Son of Late Ganauri Yadav
Resident of Village - Khalsa Dibri @ Milki Dibri, P.S.- Muffasil, District-
Nawada

... .. Appellant

Versus

1. The State of Bihar
2. Rita Devi, female, Wife of Vijay Chaudhary, Resident of Village - Milki
Dibri, P.S.- Muffasil, District- Nawada

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Pramod Kumar Verma-Advocate
For the Respondents	:	Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') has been filed by the appellant challenging the order dated 07.05.2019 passed in Complaint Case No.207 of 2006 by the learned Additional Sessions Judge-1st-cum-Special Judge, Nawada whereby he has rejected the application for grant of pre-arrest bail of the appellant registered inter alia under Section 3(XI) of the Act.

3. It is submitted by the learned counsel for the appellant that the order impugned passed by the court below is



fit to be set aside as it failed to appreciate that the appellant is apprehending arrest in a Complaint Case. He has further contended that the allegations made in the complaint are malicious in nature and no occurrence, as alleged, had ever taken place.

4. On the other hand, learned counsel appearing for the State submitted that the complaint is of the Year 2006. The court below in its impugned order has recorded that the application for grant of pre-arrest bail was rejected about 10 years ago.

5. On perusal of the complaint, I find that on the relevant date and time of occurrence i.e. 15.03.2006 while complainant was sleeping in her house, the appellant entered into her room and after overpowering her, tried to disrobe her. When she raised alarm, he assaulted her and when the other family members assembled, he fled away snatching golden locket of the complainant worth Rs.9,000/-.

6. Regard being had to the nature of allegations as also the fact that the appellant is evading arrest since long, I do not find any error in the order passed by the learned Special Judge whereby he has rejected the application for grant of pre-arrest bail. The appeal, being devoid of any merit, is dismissed.



7. In case, the appellant surrenders and seeks bail,
the same shall be considered on merit without being prejudiced
in any manner by this order.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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