

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2624 of 2019

Arising Out of PS. Case No.-141 Year-2018 Thana- IMAMGANJ District- Gaya

Chhotu Yadav Son of Kailash Yadav Resident of Village- Rangiya, P.S.-
Manatu, District- Palamu (Jharkhand).

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Javed Jafar Khan
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 02-07-2019 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 17.05.2019 passed by learned Special Judge, SC/ST Act,
Gaya in Imamganj P.S. Case No. 141 of 2018 registered under
Sections 452, 354, 354(B), 504, 506 of the Indian Penal Code
and Section 3(1)(w)(i) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant is said to have been teasing the
informant in the course of stepping out of the house for study
etc. and on 1.09.2018, when the informant was alone in the



house, appellant intruding into the house muffled her face by means of *dupatta* and tried to outrage her modesty, but on arrival of her maid, he left the scene extending threatening.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to political rivalry as the aunt of the informant happens to be Prakhnd Pramukh and the informant is living with her at her house. Albeit the appellant is said to have been teasing the informant for long, but no complain has been lodged by the informant. Moreover, the occurrence is said to be of 01.09.2018, but the FIR has been lodged after inordinate and abnormal delay of around one month ten days without assigning any plausible reason and said FIR was sent to the court after 12 days which creates serious doubt about the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 26.02.2019.

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/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Imamganj P.S. Case No. 141 of 2018.

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

(Prakash Chandra Jaiswal, J)

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