

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2354 of 2018

Arising Out of PS. Case No.-166 Year-2018 Thana- BARACHATTI District- Gaya

Gayena Yadav @ Gayana Yadav @ Gaina Yadav @ Dinesh Kumar S/o
Bajnath Yadav, R/o Vill.- Raudana, P.S.- Mohanpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-01-2019 Heard the parties.

The appellant is apprehending his arrest in connection with Barachatti (Mohanpur) P.S.Caase No.166 of 2018 dated 4.3.2018 registered for offences punishable under Sections 147, 149, 323, 354, 504 and 506 of the Indian Penal Code and Sections 3(I)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant as per FIR is that the daughter of the informant came to attend the call of nature, the appellant caught hold her and pressed her mouth in the meantime, the wife of the younger brother of the informant came and the appellant succeeded in fleeing away and when the informant went to make complaints for the same, the other accused persons abused and assaulted him.

Submission of the learned counsel for the appellant is



that as a matter of fact the dispute arose in the Holi festival and for that the present false and concocted case has been lodged.

Heard learned Spl.P.P. also, who has opposed the prayer for bail on the ground that there is specific allegation against the appellant that he tried to outrage the modesty of the daughter of the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the appellant, however, if the appellant surrenders before the court concerned within a period of six weeks from the date of order and make prayer for regular bail, which will be considered on its own merit without being prejudiced by the order of this Court, if possible to be disposed of on the same day.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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