

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3609 of 2019

In
CRIMINAL MISCELLANEOUS No.39646 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- SAKURABAD District- Jehanabad

Jatahu Yadav Son of Late Somer Yadav Resident of Village - Ibrahimpur, P.S.-
Shakurabad, Dist.- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nitya Nand Neeraj

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

6 22-10-2019 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 of bail vide order dated 05.04.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Shakurabad P.S. Case No. 43 of 2019 registered under Sections 354(A), 376, 511 of the Indian Penal Code, Sections 4/8/12 of POCSO Act and Sections 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the grand daughter of the informant had



gone to her field to pluck the peas, appellant lifted her in his lap and stripping off her pant tried to outrage her modesty, who managed to escape on the arrival of the villagers responding hulla made by the victim.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellant has given Rs. 10,000/- to the informant by way of help on the marriage of his daughter four years back and on demand of said money, the informant has got lodged this false and frivolous case against the appellant. Appellant happens to be 70 years old. There is inordinate and abnormal delay of one month in lodging the FIR without assigning any plausible and convincing explanation for the same, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent and has been languishing in custody since 9.03.2019.

Learned Spl. PP for the State and learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Jehanabad in Shakurabad P.S. Case No. 43 of



2019. However, the bail bond of the appellant shall be accepted after framing of charge.

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

(Prakash Chandra Jaiswal, J)

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