

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3801 of 2019**

Arising Out of PS. Case No.-285 Year-2018 Thana- GUTHANI District- Siwan

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KAMLESH YADAV S/o Hari Shankar Yadav Resident of Village - Barpalia,
P.S.- Guthani, dist.- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

This is an appeal under Section 14(A) (2) of the SC/ST Act against the refusal of prayer for bail vide order dated 03.08.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No. 1332 of 2019 arising out of Guthani P.S. Case No. 285 of 2018 registered for the offence punishable under Sections 341, 323, 354B, 379, 504 of the Indian Penal Code and Section 3(i)(s), 3(2)(va) of the SC/ST Prevention of Atrocities Act.

Prosecution case as lodged by the informant is that on



26.12.2018 at 7 P.M. when she was at her shop situated at seldar at that time, Kamlesh Yadav (appellant) came to her shop in drunken condition and started abusing by her caste name. She asked him not to abuse upon which he entered into her shop and pushed her on the ground, pulled her sari and started pressing her breast. He tried to commit rape on which she raised alarm then nearby persons went there. He took away three gold locket of Rs. 20,000/- and sale proceeds of shop at about Rs. 20,000/- and spit on her mouth and fled away. He is a criminal and convict from before. Due to busy in treatment on 29.12.2018 she gave this application.

Learned counsel for the appellant submits that the informant had taken loan of Rs. 5000/- from Sugendra Chaudhary, uncle of the appellant. He submits that there is no eye witness to the said occurrence. Learned counsel further submits that the appellant is also an accused in Guthani P.S. Case No. 10 of 1997 under Section 147, 148, 341, 323, 324, 347, 307 of the I.P.C.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, his payer for anticipatory bail is rejected in connection with Guthani P.S. Case No. 285 of 2018 pending



before the court of the learned 1st Additional Sessions Judge-
cum-Special Judge, Siwan.

Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

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