

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3867 of 2019

Arising Out of PS. Case No.-46 Year-2014 Thana- GOGRI District- Khagaria

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Amlesh Yadav S/o Rajendra Yadav R/o village- Yadav Tola, Kanhauli, P.S.-
Gogri (Paura), District- Khagaria

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Binod Kumar

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-11-2019 Heard learned counsel for the appellant and
learned A.P.P. for the State.

The appellant has filed the instant appeal under Section 14(1) of the SC and ST (Prevention of Atrocities) Act against the order dated 30.07.2019 passed in connection with Special SC/ST Case No. 306 of 2017 arising out of Gogri (Paura O.P.) P.S. Case No. 46 of 2014 registered under Sections 147, 341, 323, 354, 307 and 504 of the Indian Penal Code and Sections 3(I)(x) of the SC and ST Act whereby the learned Additional Sessions Judge-I-cum-Special Judge SC and ST Act, Khagaria was pleased to reject the prayer for bail of the petitioner.

As per the allegation in the F.I.R., the appellant is said to have misbehaved with the cousin grand daughter of the



informant and on raising 'hulla' by the victim girl, he escaped. Subsequently, it is stated that protest was raised by the family members of the informant and the other accused persons beat them with Lathi etc. and also hurled abuses.

It is submitted by learned counsel for the appellant that the allegation against the appellant is false and concocted. It is further stated that in course of investigation he was released on furnishing bond under section 41(A) of the Cr.P.C. It is further submitted that after submission of charge sheet and taking a cognizance in this case, summons was issued, pursuant to which he surrendered on 15.07.2019 and he is in custody since then. It is further submitted that the parties have settled their misunderstanding/differences, however as and when required in course of trial he will make himself available.

The learned A.P.P. for the State opposed the prayer for bail stating that the statement of the victim was recorded under section 164 Cr.P.C. which has been incorporated in paragraph no.33 of the case diary wherein she had supported the allegation made in the F.I.R. It is further submitted that there are witnesses in para 88 and 89 of the case diary who have supported the allegations as made in the F.I.R.

Having heard learned counsel for the parties and taking into consideration the fact that during pendency of investigation the appellant was availing the benefit of Section



41(A) of the Cr.P.C. after furnishing bond and he surrendered on 15.07.2019, the date fixed for appearance in the service of summon, the Court is inclined to enlarged the petitioner on 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/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Khagaria in connection with Special SC/ST Case No. 306 of 2017 arising out of Gogri (Paura O.P.) P.S. Case No. 46 of 2014, subject to the condition that the appellant shall cooperate in the Trial and if he fails to attend the Court proceeding on two consecutive dates for reasons not to the satisfaction of the Court below, the court below shall be at liberty to cancel the bail bond of the appellant and take him into custody till conclusion of the trial.

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

(Partha Sarthy, J)

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