

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.157 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- PIPRASI District- West Champaran

Mahendra Yadav @ Mahendar Yadav, Son of Darshan Yadav, Resident of
Village - Bahari Sthan Baira Tola, P.S. Piparasi, Distt.- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 23-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 04.12.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Piparasi P.S. Case No.41 of 2018 registered under Sections 366 and 506 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant is mother of the victim who in her written complaint has stated that after taking meal, she was sleeping with her family and at 11 p.m., her daughter went to attend the call of nature and when she did not return for some time, she



went to see her and found her to be missing. Thereafter, she went to the house of co-accused Mahendra Yadav where her daughter was there and Kailash Baitha and Harioam Baitha were also present there. Thereafter, she brought her daughter to house. Mahendra Yadav (appellant) threatened her that he will forcibly abduct her daughter even she is married anywhere. She has further alleged that in order to sell her girl, she has been forcibly abducted by the accused persons.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case due to inimical terms with informant. Statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has denied the identification of accused persons who had forcibly abducted her. Appellant has no criminal antecedent and he is in custody since 14.10.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the



court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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