

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4004 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- LAURIA District- West Champaran

TARBABU YADAV @ TARA YADAV Son of Late Manejar Yadav Resident
of Village - Paroraha, P.S.- Lauriya, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Milind Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3 25-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 26.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Lauriya P.S. Case No. 77 of 2019 registered under Sections 363, 366(A)/34 of the Indian Penal Code, Section 4,8 of POCSO Act and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Minor daughter of the informant is said to have



been kidnapped by Amresh Yadav from her house in association of the appellant and his other family members for the purpose of marriage. When the informant arrived at the house of appellant to make inquiry in the matter, appellant and others slated him in the name of his caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be the father of Amresh Yadav, who is said to have kidnapped the daughter of the informant. Slating the informant in the name of his caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 26.05.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released 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 1st Additional Sessions Judge cum Special Judge



(SC/ST/POCSO Act), Bettiah, West Champaran in connection
with Lauriya P.S. Case No. 77 of 2019.

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

(Prakash Chandra Jaiswal, J)

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