

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.116 of 2020

Arising Out of PS. Case No.-28 Year-2018 Thana- SC/ST District- East Champaran

Mukesh Yadav, Son of Gama Yadav, Resident of Village- Semra, P.S.-
Muffassil, Distt- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Mishra, Advocate.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-02-2020 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 vide order dated 13.12.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Motihari, East Champaran in SC/ST Motihari P.S. Case No. 28 of 2018 registered under Sections 341, 323, 354B, 363, 366A and 504/34 of the Indian Penal Code, Sections 4 and 8 of the POCSO Act and Sections 3(i)(d)(r)(s)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The main allegation of kidnapping of the informant and putting force against her to marry is against co-accused Sanjay Yadav. The appellant is distant relation of Sanjay Yadav. Full brothers of Sanjay Yadav are said to have helped to Sanjay



Yadav in kidnapping of the informant.

Submission is that the matter is of love affairs between the two. Since the appellant is distant relation of Sanjay Yadav, he has been falsely implicated in the case.

Considering the entire facts of this case, as stated above, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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