

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1237 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- NARDIGANJ District- Nawada

MUKESH YADAV, Son of Deo Nath Yadav, Resident of Abbdalpur Paharia,
P.S.- Nardiganj, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudish Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-06-2020 This case has been heard through video-conferencing.

Heard learned counsel for the appellant and learned
Special P.P. for the State.

By way of this memo of appeal under Sections 14
(A) (2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities Act, 1989 appellant seeks for setting
aside the order dated 14.02.2020 vide Special Case No. 30 of
2019 in connection Nardiganj P.S. Case No. 142 of 2019 and
vide B.P. No. 318 of 2020 registered under Sections
341/323/354/354(A)/504/506/34 of the Indian Penal Code and
Sections 8 of the POCSO Act and 3 (i)(r) (S) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) by the
learned Special Judge (S.C./S.T. Act) cum Additional District
and Sessions Judge-1st, Nawada, Act.

Prosecution case is that as per FIR, the informant



gave the statement before the SHO, Nardiganj and stated that on 04.06.2019 at about 7.00 A.M. that her daughter went to Nardiganj for Coaching (Tuition), the appellant had always used to misbehave and molestation in the way from many days. In this regard, matter was solved from Panchayati. But the appellant again used to misbehaving from her girl upon which the informant went to the house of appellant and informed regarding the occurrence and returned her house. Subsequently, the appellant and her sister reached at the house of informant and they abused by naming injured. It has been further alleged that the appellant and other five persons always misbehave to her daughter and also used to caste name and the appellant also threatened to kill the informant.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence but has been falsely implicated in this case. In fact, the informant went to the house of appellant and started to abuse the family members of appellant as a result mutual quarrel started between the sister of the appellant and informant. Subsequently, after thought next day lodged the FIR against the appellant. During the investigation no witnesses have supported the allegation against the appellant except interested witnesses. He further submits



that the police has not produced to victim girl before the court regarding recording the statement under Section 164 Cr.P.C. The appellant is in custody since 23.01.2020.

Learned Special P.P. for the State opposed the prayer for bail.

Heard the parties, perused the records including the case diary in which witnesses has supported the prosecution case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the petitioner is rejected.

Accordingly, this appeal is dismissed.

However, the appellant is at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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