

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4485 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- FULKAHA District- Araria

Mithlesh Yadav @ Mithilesh Yadav Son of Fuddi Lal Yadav Resident of
Village- Top Nawabganj, P.S.- Fulkaha, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-02-2020 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 06.08.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Spl. (POCSO) Case No.36 of 2019, arising out of Fulkaha Police Station Case No.111 of 2019, registered under Section 354B of the Indian Penal Code, Sections 7/8 of the POCSO Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant and two others attempted to kidnap to the minor daughter of the informant. However, the appellant was apprehended by the people there and two others fled away whose name was disclosed as Prem Chand Yadav and Shrawan



Yadav. Both have been allowed anticipatory bail by a coordinate Bench of this Court. The appellant is in custody since 20.07.2019. Investigation of the case is already complete.

Considering the aforesaid fact, let the appellant, above named, be released on bail on furnishing bail bond 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 appeal is allowed.

(Birendra Kumar, J)

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