

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4738 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Munger

AMAN YADAV @ AMAR KUMAR Son of Gopal Yadav @ Gopal Prasad
Yadav Resident of Jhajha Tola Sandalpur, P.S.- Kasim Bazar, District-
Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Jha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-02-2020 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 anticipatory bail vide order dated 03.10.2019 passed by the learned Additional Sessions Judge-I, Munger, in connection with SC/ST Police Station Case No.16 of 2019, registered under Sections 448/341/323/354/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(i)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, co-accused Amarjit Yadav and two others entered into the house of the informant and Amarjeet



Yadav ravished her.

The appellant is co-villager of the informant but his name does not appear in the FIR; rather in the statement under Section 164 Cr.P.C. the informant stated that appellant was also there along with Amarjeet Yadav. However, the appellant did nothing; rather refused to do anything with the informant.

Considering the lack of material against the appellant and conflict in the statement of the informant in her written report and statement before the Magistrate, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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.

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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