

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5326 of 2019**

Arising Out of PS. Case No.-112 Year-2019 Thana- GHOSI District- Jehanabad

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AJEET KUMAR @ AJEET YADAV S/o Ram Pravesh Yadav R/o Village-Shekhpora, P.S.- Ghoshi, District- Jehanabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 04-02-2020 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 by order dated 15.11.2019 in Ghosi P.S.Case No.112 of 2019 passed by the learned Addl. Sessions Judge-1st, Jehanabad, registered under Sections 147,148,341,323,354,307,504,506 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he opened the pant of 10 years old daughter of the informant with illicit purpose and for that reason the subsequent occurrence of assault was committed by the named accused including the appellant.

Learned counsel for the appellant submits that the police



did not record statement of the victim girl nor she was produced before the Magistrate for her statement under Section 164 Cr.P.C. False and concocted allegation is there. Appellant is in custody since 10.07.2019. Investigation of the case is already complete.

Considering the lack of material, 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 condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

Let the Superintendent of Police, Jehanabad submit action taken report against the Investigating Officer of Ghosi P.S.Case No.112 of 2019 for not getting the statement of the victim girl recorded under Section 161 Cr.P.C. or under Section 164 Cr.P.C. in spite of such direction by the Supervising



Authority i.e. Superintendent of Police, Jehanabad in his two supervision memos mentioned in the case diary.

The action taken report must come within four weeks.

Let a copy of this order be forwarded to the Superintendent of Police, Jehanabad also.

(Birendra Kumar, J)

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