

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.497 of 2020**

Arising Out of PS. Case No.-167 Year-2019 Thana- VISHNUPAD District- Gaya

KISHORI YADAV Son of Late Lali Yadav, Resident of Village- Manglagouri
(West Road Near Chandrashekhar School), P.S.- Vishnupad, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 23-02-2021 Heard both sides.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 03.12.2019 passed by learned Special Judge, SC/ST Act, Gaya by which the learned Special Judge rejected the prayer for anticipatory bail of the appellant in Vishnupad P.S. Case No.167 of 2019 registered under Sections 341, 323, 308, 504, 506 of the IPC and under Section 3(r)(s) of the SC/ST (POA) Act.

The informant alleged that on mere suspicion that his daughter aged about seven years committed theft of mobile of the appellant, the appellant came, abused her and also tried to molest her with bad intention but when the informant and his wife came to her rescue, the appellant also assaulted the informant and his family with iron chain and threatened to kill.



Learned counsel for the appellant submits that the daughter of the informant stole the mobile of the appellant. The mobile was recovered from her possession and when the informant visualised that the appellant may lodge the criminal case, the informant lodged this case making false and frivolous allegation against the appellant. It is further submitted that the informant and his wife did not receive any injury and this fact also falsifies the allegation of the informant but it appears from the fact itself that the allegation made by the informant that the appellant on mere suspicion of theft misbehaved with the minor daughter of the informant and when the informant and his wife came to her rescue, the appellant assaulted them. No theft mobile was recovered from the daughter of the informant.

Taking into consideration the facts and the nature of allegations made against the appellant, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the same is rejected.

Thus, the appeal stands dismissed.

(Prabhat Kumar Jha, J)

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