

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1582 of 2021**

Arising Out of PS. Case No.-30 Year-2018 Thana- MAHILA P.S. District- Lakhisarai

SUBODH SINGH @ JAGO MAHADEO S/o Ramkripal Singh R/o Village-
Nadiyawan, P.S.- Ramgarh Chowk, Distt- Lakhisarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Jai Prakash Verma, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Appellant, in the present appeal, is seeking setting aside of the order dated 25.08.2020 passed by learned A.D.J. 1st – cum – Special Judge, Lakhisarai in connection with Lakhisarai P.S. Case No. 30 of 2018 registered for the offence under Section 376/511 of the Indian Penal Code and under Section 3(1) w (i) 2 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that as per the First Information Report when the informant was sleeping with her four children in her house, this appellant is said to be entered in her house and started flirting her by holding hands and feet. It is alleged that when she shouted, the appellant ran



away.

Learned counsel for the appellant submits that in the first information report the allegation is that of eve teasing by holding hand and leg of the informant. In this case, the appellant is in custody since 13.10.2018, therefore, he has completed two and half years of custody, but, till date not a single witness has been examined in course of trial.

The fact that not a single witness has been examined has been stated in paragraph '5' of the present memo of appeal.

Learned counsel submits that in the facts and circumstances of the case where the appellant has otherwise no criminal antecedent, considering the allegation which does not allege commission of rape and the period of custody, further incarceration of the appellant in jail is not likely to come in aid of investigation or for the prosecution as the appearance of the appellant may be procured/secured without any hindrance.

Learned Special P.P. for the State has though opposed the prayer for bail of the appellant but he admits that the custody in this case is substantial period of two and half years, and therefore, not raising much issue.

Considering the above of the matter, this court sets-aside the impugned order and directs release of the appellant on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st – cum – Special Judge, Lakhisarai in connection with Lakhisarai P.S. Case No. 30 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

