

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2457 of 2021

Arising Out of PS. Case No.-494 Year-2020 Thana- MAJHAULIA District- West Champaran

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MUKESH YADAV @ MUKESH KUMAR Son of Uttim Yadav Resident of
Village - Dumari Mahanwa Ward no.5, P.S.- Majhauria, Distt.- West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sachida Nand Rai, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellant in connection with a case registered for the offences
under Sections 376, 509, 341, 323, 504/34 of the Indian Penal
Code and Sections 3(i)(r) of the SC/ST (Prevention of
Atrocities) Act, 1989.

The prosecution case, in short, is that the appellant
took video of the victim while she was bathing and blackmailed
her and established physical relation with her.



It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. There was love affairs between the appellant and the victim and the physical relation between the parties was consensus relationship, but due to objection on the part of the family members the marriage of the victim could not be solemnized with the appellant, which led to institution of the present case. The medical report of the victim also shows that there is no evidence in respect of commission of rape. The medical report of the victim is Annexure 2 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 01.03.2021, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran vide A.B.P. No.475 of 2021 in connection with Majhauria P.S. case No.494 of 2020, is set aside. The criminal



appeal is allowed.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Majhauria P.S. case No.494 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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