

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2021**

Arising Out of PS. Case No.-77 Year-2018 Thana- SC/ST District- Rohtas

MANJIT YADAV @ MANJIT KUMAR YADAV S/o Ramchandra Yadav
Resident of Village-Nidhua, P.S.-Buxar, District-Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Premchandra Yadav, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 18-03-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 13.5.2020 passed by the Additional District and Sessions Judge – I, Rohtas, Sasaram, in Bail Petition Registered Case No. 323 of 2018, in connection with SC/ST P.S. Case No. 77 of 2018 instituted for the offence under Sections 376/34 of the Indian Penal Code, and Section 3(i)(r)(s) of the SC/ST Act, and also for setting aside the aforesaid order dated 13.5.2020.

The FIR says that the petitioner on pretext of arranging employment for the informant as Anganwari Sevika has been exploiting her sexually. On 17.6.2018 there is allegation that he sought such favour for one co-accused Umesh Kumar Singh,



whereafter she declined and was raped by co-accused Umesh Kumar Singh.

It is submitted by learned Counsel for the appellant that the allegations are false as it appears from the fact that the FIR has been lodged after five months of the alleged occurrence. Even as per prosecution case, allegation of rape is against co-accused Umesh Kumar Singh, against whom the police has found the case to be not true. The informant is a major and the prosecution case clearly suggests that there was consensual relation between the informant and the instant petitioner. The bonafide of the petitioner is evident from the fact that he has surrendered in this case on 2.4.2019 and since then he is in custody. Charges have already been framed by the trial court.

Learned Special P.P. has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Rohtas, Sasaram in connection with SC/ST P.S. Case No. 77 of 2018.

In the result, the appeal is allowed and the impugned order dated 13.5.2020 is set aside.

(Madhuresh Prasad, J)

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