

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3083 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MAIGRA District- Gaya

-
1. JANAK YADAV Son of Kail Yadav, Resident of Village - Naghari, P.S. - Maigra, District - Gaya.
 2. Baijnath Bhuiyan Son of Nanhak Bhuiyan, Resident of Village - Kaisiyadih, (Naghari), P.S. - Maigra, District - Gaya.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Javed Jafar Khan, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-09-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual Court proceedings.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail vide order dated 03.06.2021 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Maigra P.S. Case No. 08/2021 registered under Sections 376/34 of the Indian Penal Code and Sections 3 (i)(W)/3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case in brief is that on 06.03.2021 at about 7.00 when the informant went for natural call in the near field in between accused namely Janak Yadav and other came



suddenly and caught the informant from backside and had raped on her. It is further stated that when she raised alarm some of the people gathered there and seeing that they have fled away from the spot.

It is submitted by learned counsel for the appellants that appellants are innocent committed no offence and have falsely been implicated in this case. The appellants are neighbour of the informant and there are political rivalry between the parties. There is no offence under SC/ST Act is made out against the appellants. The occurrence took place on 04.03.2021 at 7.00 pm and FIR has been lodged on 06.03.2021. There is inordinate delay of two days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Statement of victim recorded under Section 164 Cr.P.C. which has not supported the prosecution case. Appellants have been languishing in custody since 06.03.2021 and have no criminal antecedent which is mentioned in para 3 of the bail application.

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

Considering the aforesaid facts, let the appellants, above named are directed to be released on bail on furnishing



bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Act, Gaya in B.P. No. 138/2021, arising out of Maigra P.S. Case No. 08/2021.

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

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

