

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2086 of 2020

Arising Out of PS. Case No.-162 Year-2020 Thana- NAUTAN District- West Champaran

Mulayam Yadav, Son of Surendra Yadav, Resident of Village- Chatiya Diar,
Police Station- Malahi, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar No 7, Advocate.
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel appearing for the appellant remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the appellant and the learned Additional Public Prosecutor appearing for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 07.07.2020 passed in Bail Petition No. 1370 of 2020, whereby and whereunder the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Chamapran, rejected the prayer for grant of bail of the appellant in connection with Nautan P.S.



Case No. 162 of 2020, registered under Sections 376 and 511 of the Indian Penal Code and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case, in brief, is that in the late evening of 21.05.2020, informant, Mewalal Kumar was sleeping with his wife, Santa Devi, in the room after taking the dinner. Later on, due to hot weather informant went in the courtyard and slept there. Thereafter, Informant heard some sound then he went in the room and found that one unknown person was scuffling with his wife, on which, he caught hold that person, who disclosed his name as Mulayam Yadav (appellant). On next day, Mulayam Yadav (appellant) was handed over to the police by the informant for interrogation.

Learned counsel for the appellant submits that, in fact, appellant is the resident of Maika of wife of the informant and he had come in the morning of 22.05.2020 but due to misunderstanding, informant caught hold the appellant and handed over to the police. Further submission is that appellant has no criminal antecedent and is in custody since 22.05.2020.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, is directed to be



released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge-cum-Special Judge(SC/ST/POCSO), Bettiah, West Champaran, in connection with Nautan P.S. Case No. 162 of 2020. Out of two sureties, one surety must be the close relative of the appellant.

(Rajendra Kumar Mishra, J)

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