

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3666 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- HARSIDHI District- East Champaran

Naveen Yadav Son Of Suresh Yadav R/O Village- Murla, P.S.- Ramgarhwa,
District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Adv.

For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2021 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 24.07.2021 passed by learned 1st Additional Sessions Judge, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 78 of 2021 registered under Sections 364, 120B, 376, 313, 117/34 of the Indian Penal Code and Sections 3 (i) (a) (d)(ii)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that he is innocent and has been falsely implicated in this case due to dirty village politics. He submits that victim with intent to get marriage with the appellant and put pressure upon the appellant



and his family members, a false and concocted case has been lodged. He submits that SC/ST Act is not applicable against the appellant as there was no public view at the place of occurrence. He submits that the doctor after examination assessed her age to be 19 years, therefore she is major. He further submits that appellant bears no criminal antecedent and he is languishing in judicial custody since 01.07.2021.

However, learned Special Public Prosecutor for the State opposes the prayer for bail and submits that there is serious allegation against the appellant.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with Harsidhi P.S. Case No. 78 of 2021 pending before the court of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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