

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4142 of 2018

Arising Out of PS. Case No.-85 Year-2015 Thana- MAHILA P.S. District- Madhepura
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Anoj Yadav Son of Late Jeet Narayan Yadav, Resident of Village-Shiv
Nagar Jamuwaha, P.S.-Kumarkhand, District-Madhepura.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Yogesh Chandra Verma, Sr. Adv.
: Mr. Shiw Kumar Prabhakar, Adv.
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 02-03-2021 Re: **Interlocutory Application No. 1 of 2021.**

Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the appellant and Mr. Binay Krishna, learned
Special P.P. for the State.

By way of the present Interlocutory Application,
the appellant seeks bail during pendency of the appeal.

The appellant stood convicted for the offence
under Section 376 of the Indian Penal Code and Section
3(1) w(i) of Schedule Castes /Schedule Tribes Prevention of
Atrocities Act, 1989 and has been sentenced to undergo R.I.
for 07 years, a fine of Rs. 20,000/- and for the failure to



pay the fine, simple imprisonment for one year for the offence under Section 376 of the Indian Penal Code and R.I. for 02 years, fine of Rs. 10,000/- and in default of payment of fine to suffer simple imprisonment for six months for the offence under Section 3(1) w(i) of Schedule Castes/Schedule Tribes Prevention of Atrocities Act. The sentences have been ordered to run consecutively without assigning any reason.

The case of the prosecution is that the appellant forced his entry in the house of the prosecutrix and committed rape on her. When she cried for being rescued, members of the family living under the same roof arrived and tried to stop the appellant. The appellant is then alleged to have given them a push and managed to run away. A case under Section 376 of the Indian Penal Code and Section 3(1) w(i) of Schedule Castes /Schedule Tribes Prevention of Atrocities Act, 1989 was registered for investigation.

It further appears from the record that the police, after investigation, submitted final report false but differing



with that report, cognizance was taken and the appellant was arrested thereafter.

Learned senior counsel for the appellant has submitted that there are vital contradictions in the statement of the witnesses, who claimed to be the eye-witness to the occurrence. Apart from this, it has been submitted that the informant of the case used to work as a domestic servant of the local Mukhiya, who initially was closely associated with the appellant. With the passage of time, the relationship between the appellant and the local Mukhiya soured and because of the appellant not having supported the candidature of the sitting Mukhiya, the present prosecution was launched at the instance of the Mukhiya by taking help of one of his servants.

It has also been submitted that the appellant has remained in custody since 24.06.2020 and thereby has spent about three and half years in custody.

There is no likelihood of appeal being taken up for hearing in near future.

It further appears from record that this appeal was



admitted on 05.12.2018 and the prayer for suspension of sentence was rejected on 25.02.2019.

Considering the period of the custody of the appellant and practically little or no chances of this appeal being taken up for hearing in near future, this Court is inclined to release the appellant on bail during the pendency of the appeal.

The appellant is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Madhpura, in connection with SC/ST Case No. 246/2017 arising out of Madhepura Mahila P.S. Case No. 85/2015.

Interlocutory Application No. 1 of 2021 stands allowed and disposed of accordingly.

(Ashutosh Kumar, J)

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