

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.579 of 2021**

Arising Out of PS. Case No.-142 Year-2019 Thana- NARDIGANJ District- Nawada

MUKESH YADAV Son of Deo Nath Yadav Resident of Village- Abbdalpur
Paharia, P.S.- Nardiganj, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudish Kumar, Adv.
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-01-2021 Heard learned counsel for the petitioner and learned
Special Public Prosecutor for the State.

By way of this memo of appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989) appellant seeks for setting aside the order dated 15.10.2020 vide Special Case No. 30 of 2019 in connection Nardiganj P.S. Case No. 142 of 2019 registered under Sections 341/323/354/354(A)/504/506/34 of the Indian Penal Code and Sections 8 of the POCSO Act and 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) by the learned Special Judge (SC/ST Act) cum Additional District and Sessions Judge-6th, Nawada

Prosecution case is that daughter of the informant went to Nardiganj for coaching. The appellant had always used



to misbehave and molest in the way many days. In this regard matter was solved from Panchayati. Subsequently, the appellant and her sister reached at the house of informant and they abused by naming caste and also assaulted her, as a result, she became injured. It is also alleged that the appellant and five other persons always misbehaved her daughter and used to caste name and threatened to kill the informant.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in this case. In fact, the informant went to the house of appellant and started to abuse the family members of appellant as a result quarrel started between the sister of the appellant and the informant. He submits that during the investigation no witnesses have supported the allegation against the appellant except interested witnesses. He submits that appellant is languishing in judicial custody since 23.01.2020. He submits that vide order dated 30.06.2020, a liberty was granted to the appellant to renew his prayer for bail after framing of charge. He further submits that charge has been framed against the appellant on 28.09.2020.

In the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail



bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act)-cum-Additional District and Sessions Judge, 6th Nawada in connection with Special Case No. 30 of 2019/41 of 2020 arising out of Nardiganj P.S. Case No. 142 of 2019.

(Anjani Kumar Sharan, J)

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