

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.443 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

Mukesh Kumar Son of Mahendra Yadav Resident of Village - Rohibigha,
Parariya, P.S.- Magadh University, Bodh Gaya, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha, Adv.
For the State	:	Mr. Binay Krishna Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2021 Heard learned counsel for appellant and learned Spl. PP
for the State.

Learned counsel for the appellant is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 09.10.2020 passed by learned Special Judge, SC/ST Gaya in Magadh University PS. Case No. 103 of 2020 registered under Sections 323, 341, 504, 354/34 of the Indian Penal Code and Sections 3(1) (r) (w) of the SC/ST Act.

There is an allegation that informant with six other girls have been abused and assaulted by the accused persons. The appellant has allegedly tried to outrage the modesty of the informant.

The learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case. The



prosecution case is belated inasmuch as the First Information report has been lodged two days after the occurrence. The appellant is in custody since 16.09.2020 and that he is on bail in Magadh University PS Case No. 133 of 2013 for similar offences. The instant case is a sequel to the earlier prosecution for extraneous consideration. There is no injury report or alleged specific assault by the appellant.

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 09.10.2020 passed by learned Special Judge, SC/ST Gaya in Magadh University PS. Case No. 103 of 2020, is set aside. Let the appellant, above named, 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 learned Special Judge, SC/ST Gaya in Magadh University PS. Case No. 103 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

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

