

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.147 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- FATUA District- Patna

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Lala Yadav @ Dhananjay Yadav, Son of Late Tannu Yadav, Resident of
Village - Bhagwanpur, P.S.- Fatuhan, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rudal Chaudhary, son of late Vishundayal Chaudhary, resident of vill-
Bhagwanpur, P.S.- Fatuha, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Nagmani Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Saket Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 10-11-2022

Heard learned counsel for the appellant and learned
Special P.P. for the State as well as learned counsel for the
informant/respondent no.2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the refusal of prayer for bail by order dated
03.09.2021 passed by the learned Additional Sessions Judge 3rd-
cum-Special Judge, SC/ST, Patna in connection with Special Case
No. 13 of 2021 arising out of Fatuah P.S. Case No. 26 of 2021,
registered for the alleged offences under Sections 341, 342, 323,



364, 365, 504, 506/34 of the Indian Penal Code, Sections 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (POA) Act.

As per the prosecution case, the appellant and other co-accused persons assaulted the son of the informant and when the informant reached there, he was also assaulted. The appellant and co-accused Karu Yadav abducted the son of the informant from their bike.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The daughter of the informant has lodged a case against the appellant bearing Fatuha P.S. Case No. 718 of 2020 in which the appellant has got bail. In order to harass the appellant, the present false case has been lodged. Learned counsel further submits that the son of the informant has been recovered by the police from the local market and he was not in possession of the appellant. Learned counsel further submits that the appellant is in custody since 08.08.2021 and charge-sheet has been submitted in this case.

Learned Spl. P.P. as well as learned counsel appearing on behalf of the informant/respondent No.2 vehemently oppose the submission made on behalf of the appellant. Learned counsel for the informant/respondent No.2 submits that the appellant and other co-accused persons committed gang rape with the sister of the victim Vikas Kumar who was abducted by the appellant and



others. They have been pressurizing the informant to withdraw the case. Learned counsel further submits that the victim has been examined under Section 164 Cr.P.C. and his statement was recorded in which he named the appellant and he is in apprehension that he and his father might be killed. Learned counsel further submits that the appellant has deliberately not mentioned in paragraph 3 of the petition that Fatuha P.S. Case No. 718 of 2020 was registered for offence under Sections 4, 6 and 8 of the POCSO Act.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the appellant and further considering the period of his custody and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-3rd-cum-Special Judge, Excise, Patna in connection with Special Case No. 13 of 2021 arising out of Fatuah P.S. Case No. 26 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

(iv) It is further made clear that the appellant or his family members would not approach the informant or his family members in any manner otherwise his bail bond will be liable to be cancelled by the learned court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10-11-2022
Transmission Date	10-11-2022

