

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11064 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- SC/ST District- Gaya

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Rupan Yadav Son of Sita Mahto Resident of Village - Kishunpura, P.s.-
Magadh Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with SC/ST
P.S. Case No. 24 of 2021 registered for the offence under
Sections 341, 323, 354, 379, 427 and 34 of the Indian Penal
Code, Sections 3(i)(r)(s)(w)(i) and 3 (2)(v-a) of the SC/ST
(Prevention of Atrocities) Act and Sections 8 and 12 of the
Protection of Children from Sexual Offences Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.01.2022.

The allegation against the petitioner is to assault the
informant and family members and also outrage the modesty of



his minor daughter, where petitioner is further alleged to be the aggressor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner himself is the victim of circumstances, as he is *bona fide* purchaser of the land, which is claimed to be disputed by the informant. It is submitted that, for the said reason only, petitioner has been falsely implicated in the present case. It is also submitted that the allegations, as regard to modesty and theft is ornamental, just to aggravate the allegations. It is further submitted that, apparently, from the F.I.R., abuse by the caste name, is not in the public view, as occurrence took place in the house of the informant. It is further submitted that the allegation, as regard to outraging the modesty is very much general and omnibus against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that F.I.R. speaks about the land dispute between the parties.

Considering the facts and circumstances as mentioned



above, as the allegation, regarding outraging the modesty, is very much general and omnibus against this petitioner in the backdrop of admitted land dispute, where petitioner is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with SC/ST P.S. Case No. 24 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional District and Sessions Judge-VI, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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