

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1348 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

Rajesh Yadav S/o Rameshwar Yadav @ Bhagat Jee R/o village- Mora
Mardana, P.S.- M.U. Bodh Yada, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Upendra Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the appellant as well as
learned Special Public prosecutor for the State.

This is an appeal under section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of the prayer of the order dated 12.01.2022 by which the regular bail of the appellant in connection with Magadh University P.S.Case No. 188 of 2021 registered under sections 370,374/34 of the Indian Penal Code and Section 3(1)(r) of the SC/ST Act and 14(1) of the Child Labour and Adolescent Act, 1986, where by his prayer for grant of regular bail has been rejected.

Allegedly the appellant and other co-accused persons took away the minor children and handed over them to some strangers after taking money from them. One of the children



was son of the informant.

Learned counsel for the appellant submits that no offence of SC/ST Act is made out against the appellant as he is himself a person of Scheduled Castes. The FIR has been registered after three months of the occurrence and this shows the informant and others themselves sent away their children for work and case has been registered only due to dispute for payment of money. In their statement under Section 164 CR.P.C children stated that there were some monetary dispute for labour charges and for this reason the FIR has been registered . The appellant is in custody since 28.01.2022.

Learned Special Public Prosecutor for the State submits that the appellant and co-accused were involved in trafficking and selling away the children of the informant and others in other State to different persons.

Having regard to the submission made herein above and considering the fact that the appellant is himself a person of Scheduled Caste category and there is no specific allegation of any overt act against the appellant and further considering the period of custody, this appeal is allowed. The impugned order dated 24.03.2022 passed by learned Exclusive Special Judge SC/ST, Gaya in connection with Magadh University P.S.Case



No. 188 of 2021 is set aside.

Let the appellant above named 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Magadh University P.S.Case No. 188 of 2021, subject to the following conditions.

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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