

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1705 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHILA PS District- Gaya

Sudhir Kumar @ Sudhir Kumar Yadav, S/o Late Gajanand Prasad Yadav @
Gaj Badan Prasad Yadav, R/o village- Saligrami, P.S.- Sahebpur Kamal,
District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumari, D/o Rajeshwar Rajak, R/o village- Dashrath Bigha, P.S.-
Rafiganj, District- Aurangabad. Present residing at Bhaluahi Kharkhura
Road No. 05, Gali No. 02, P.S.- Delha, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar No2, Advocate
For the State	:	Mr.Binay Krishna, Spl.PP
For the respondent no.2	:	Mr. Virendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-10-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the informant.

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 28.04.2022 passed by the learned Exclusive Special
Judge SC/ST Act, Gaya in connection with Mahila P.S. Case
No. 24 of 2022, registered for the alleged offences under
Sections 354(A), 354(C) and 354(D) of the Indian Penal Code,



Sections 67/67A of the I.T. Act and Sections 3 (i)(r)(s)(w) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989.

As per the prosecution case, the appellant is a police official and he was investigating officer of Delha P.S. Case No. 141 of 2021. The informant of this case is also informant of Delha P.S. Case No. 141 of 2021 and allegation against the appellant is that he demanded sexual favour and money from the informant for making proper investigation in Delha P.S. Case No. 141 of 2021. The informant further alleged that he sent obscene video clip on whats-app number of the informant.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case by the informant in order to pressurize him to do the investigation as per her wishes. It is evident from the FIR itself that the informant was upset with the fact that the named accused of Delha P.S. Case No. 141 of 2021 was not being arrested. The appellant found during investigation the informant had manipulated the facts and lodged a false case and when she came to know that the appellant has come to know the truth she started threatening him. Learned counsel further submits that purportedly the video clip was sent on 01.02.2022 but the FIR



has been lodged on 04.04.2022. It shows the malicious intent of the informant. The appellant is an old man and asking for sexual favour from a 20 years old girl appears to be very strange and palpably false. Learned counsel further submits that the charges for offences levelled against the appellant are bailable in nature except offences under Section 67 of the I.T. Act and Section 3 (i) (r) (s) (w) (2) of SC/ST(POA) Act. The appellant is in custody since 05.04.2022 and charge sheet has been submitted in this case.

Learned Spl.PP as well as learned counsel for the informant/respondent no.2 vehemently oppose the prayer for bail. Learned counsel for the informant submits that the act of the appellant is quite reprehensible as he is a police officer and the informant is a lady of weaker section of the society. The mobile phone on which the appellant sent the video clip was seized and sent for forensic examination and obscene video clip was found on it. The mobile phone of the informant was also seized. Learned counsel further submits that this fact has also been mentioned in paragraphs 4, 5 and 30 of the case diary. Learned counsel further submits that even in her statement recorded under Section 164 Cr.P.C. the informant has made specific allegation against the appellant.



Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the act of the appellant a police officer, a person in authority and allegation against him which are quite serious and grave, I am not inclined to grant bail to the appellant.

Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same at the earliest and not later than a period of three months.

Accordingly, the appeal stands dismissed.

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2022
Transmission Date	14.10.2022

