

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3207 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BAHERI District- Darbhanga

NEERAJ KUMAR YADAV Son of Chanbir Yadav @ Chandraveer Yadav
Resident of village - Katwasa, P.S.- Baheri, District - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganga Safi Son of Asarfi Safi Resident of village - Kamalpure, P.S.- Bahedi,
District - Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Ashfaque Ahmad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 05.08.2022 in A.B.P. No. 1358 of 2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Darbhanga in connection with Baheri P.S. Case No. 243 of 2021 registered for the offences punishable under Sections 341, 354B, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(wi) of the SC/ST Act.



Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that appellant entered her house and started outraging the modesty of her daughter, further when her son and daughter-in-law came, appellant apologized and later threatened after Panchayati.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that the allegation of outraging the modesty of the daughter of the informant inside her house appears to be ornamental, it is next submitted that the date of occurrence is 10.11.2021 and the F.I.R. came to be instituted on 22.11.2021 that is after a delay of 12 days without any plausible explanation which creates doubt with regard to the veracity of the allegation as alleged.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 05.08.2022 in A.B.P. No. 1358 of 2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Darbhanga in connection with Baheri P.S. Case No. 243 of 2021 is hereby set



aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baheri P.S. Case No. 243 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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