

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4907 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- MAHILA PS District- Jamui

SUKHO YADAV @ SUKHU YADAV Son of Ganpat Yadav Resident of
Village- Gangti, P.S.- Chandramandi, District- Jamui.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Daya Devi Wife of Late Indradeo Das R/O- Village Madhopur, P.S.-
Chandramandi, Dist- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Mishra

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 20-10-2022

Heard learned counsel for the appellant and learned Spl. PP for the
State.

The appellant has filed the instant appeal against the order dated 18.08.2021 passed in by the learned Additional District and Sessions Judge-1st Jamui whereby the prayer for bail of the appellant in SC/ST Case No. 53/2021 in connection with Jamui Mahila P.S. Case no. 47/2020 registered under sections 341/323/504/506/376/354C/34 of the Indian Penal Code, Section 67AIT Act and section 3(2) (va) of the SC & ST (POA) Act was rejected.

As per prosecution case, on 05.09.2022 the informant was raped by Tulsi Yadav and the act of the rape was recorded by Sukho Yadav (appellant). Later on, on 17.09.2022 the present appellant and co-accused Rajesh Das circulated the said video on the mobile phone of relatives of the informant. The said video was also sent to the mobile phone of the son of the informant. Due to the aforesaid the brother-in-law of the informant namely



Sanjay Das and Nilmani Das alongwith Litre Das and Rajesh Das abused her and ousted her from her house. She was forced to go to her parent's house at Chakal alongwith her children. The aforesaid video was also circulated in the village of her parent's house. When the son of the informant went to Madhopur then accused Vijay Das threatened him and shoed him away from there.

Learned counsel for the appellant submits that the appellant is in custody since 18.02.2021 and bears no criminal antecedent. FIR has been lodged after about two months and there is no explanation of delay in filing the case. Learned counsel for the appellant further submits that appellant has falsely been implicated in this case due to enmity and dirty village politics. There is no specific allegation against the appellant. During course of investigation, there is no evidence came against the appellant regarding the preparation of video as alleged by the informant.

The learned Spl. PP for the State vehemently opposes the prayer for bail of the appellant and submits that there is specific allegation against the appellant and the same is supported and corroborated by the statement of victim recorded under Section 164 Cr.P.C.

Considering the facts and circumstances of the case, nature of allegation levelled against the appellant coupled with the statement of victim recorded under Section 164 Cr.P.C. and material available on record, I am not inclined to grant bail to the appellant. Hence, prayer for bail of the appellant stands rejected.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
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