

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2341 of 2023**

Arising Out of PS. Case No.-17 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. DILIP YADAV SONOF KALE LAL YADAV R/O Village- Dimha, P.S. Gopalpur, District-Bhagalpur
 2. BITESH YADAV @ RAJESH YADAV R/o Village- Rahi Tola, Dimha, P.S Gopalpur, District-Bhagalpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Bihari Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-09-2023 Heard the parties.

2. This appeal is directed against the order dated 16.03.2023 passed by learned Special Judge, SC/ST Act, Bhagalpur in connection with Complain Case No. 17 of 2022 registered for the offences under sections 323, 341, 325, 307, 452 and 354 of the Indian Penal Code and section 3(2)(v)3(i)(r) (s) of the SC/ST Act whereby and whereunder prayer for regular bail of the appellants has been rejected.

3. As per the prosecution story, the allegation is that when the lady was returning home, the accused persons namely, Amit Yadav, Deepak Yadav and Sajan Mandal having wine in their respective hands, intercepted her and wanted mobile



number and upon protest, allegation is that Sajan Mandal tried to outrage the modesty of the informant and also named her caste and threatened to shoot her. The further allegation is that later in intoxicant condition, they reached the house of the informant and assaulted both the informant and her husband and Amit Yadav again tried to outrage her modesty. Once again, their caste name was taken, she got injury in her left hand while her husband had injury in the right hand which was fractured and plastered. Accordingly, the FIR.

4. Learned Counsel for the appellants submit that Sajan Mandal against whom specific allegation has been made has since been granted bail by a co-ordinate bench in Criminal Appeal (SJ) No. 2480 of 2023. Further, allegation against them is of accomplice, no role has been attributed to them and are in custody since 18.11.2022 (as stated in paragraph 14 of the petition).

5. Learned Counsel appearing for the respondent no. 2, on the other hand, submits that they were in an inebriated state, assaulted and also tried to outrage the modesty of the lady. He as such, opposes the prayer.

6. Considering the submissions put forward by the parties, no specific role has been assigned to them, the person



whom she has made specific allegation, Sajan Mandal has since been granted relief by a co-ordinate bench, as stated above, are in custody since 18.11.2022, this Court is inclined to extend them relief.

7. The order dated 16.03.2023 passed by learned Special Judge, SC/ST Act, Bhagalpur in connection with Complain Case No. 17 of 2022 is set aside.

8. The appeal is allowed.

9. Let the appellants be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Special Judge SC/ST Act, Bhagalpur in connection with Complain Case No. 17 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the appellants who shall provide official document to show their *bona fide*;

(ii) the appellants shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the appellants shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(iv) the appellants shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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