

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5084 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- KONCH District- Gaya

Bablu Yadav Son Of Manohar Yadav Resident Of Village - Bedauli, P.S. -
Konch, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Anita Devi Wife Of Chandan Das Resident Of Village - Bedauli, P.S. -
Konch, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 11.10.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, whereby the prayer for bail of the appellant in connection with Konch P.S. Case No. 309 of 2023 under Sections 341, 323, 354A, 354B, 504 and 506/34 of the Indian Penal Code and Section 3(2)(va) of the SC/ST Act was rejected.

3. The allegation against the appellant along with another is of outraging the modesty to the informant, when she went to attend nature's call.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There has been delay of more than one month in lodging the FIR. There is case and counter case between the parties. The appellant has been implicated in the false case just for taking revenge and provision of SC/ST Act has been added to make the offences grievous. Appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He further submitted that the appellant has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 13.09.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 11.10.2023 arising out of Konch P.S. Case No. 309 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Konch P.S. Case No. 309 of 2023 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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