

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1707 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- PALASI District- Araria

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Mithilesh Kumar Yadav @ Mithilesh Yadav Son of Vijay Yadav Resident of
Village- Majhuwa, Ward No. 13, P.S.- Palasi, Dist.- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Dayanand Manjhi Son of Nasib Lal Manjhi Hasanpur, Ward No.- 10, P.S.-
Palasi, Dist.- Araria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 16-05-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
01.03.2024 passed by the 1st Addl. Sessions Judge cum Special
Judge, Araria in connection with Palasi P.S. Case No. 22 of
2024, registered for the offence/s punishable u/s 376 of the
Indian Penal Code, u/s 3(2)(v) of the Prevention of Atrocities
Act.

3. As per the prosecution case, the informant's



daughter was sleeping in her house, the appellant entered the house and forcefully made physical relationship with her. Further, the appellant has stated that he loves her and is ready to marry with her.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The victim is a major aged about 18 years. There was love affair between the appellant and the victim girl. The statement of the victim was recorded u/s 164 Cr.P.C. in which she has not supported the prosecution case. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 30.01.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the



learned counsel for the appellant, the impugned order dated 01.03.2024 passed by the 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Palasi P.S. Case No. 22 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Palasi P.S. Case No. 22 of 2024, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

Ranjeet/-

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