

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4302 of 2023

Arising Out of PS. Case No.-794 Year-2022 Thana- GAYA MUFASIL District- Gaya

Arvind Yadav Son Of Shivek Yadav @ Sidheswar Yadav Village- Mahabigha
Ps- Tankuppa Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Satyendra Manjhi son of Karan Manjhi R/o- colony Paroriya Ps- Muffasil
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 08-02-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 17.08.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 794 of 2022 under Sections 341, 323, 344, 366, 376, 427, 498, 504, 506 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

3. Allegation against the appellant is that he along with his associates abducted the wife of informant



along with her 3 year old son and have sexual relation with her.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case in order to extort money from the appellant. He 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. There is major contradiction between the statement of victim, recorded under Section 161 of Cr.P.C. and Section 164 of Cr.P.C. in her statement, recorded under Section 161 of Cr.P.C. she has stated about outraging her modesty by the appellant whereas, she has stated in her statement, recorded under Section 164 of Cr.P.C. that appellant committed wrong with her twice. Victim is a married lady, aged about 32 years and mother of 6 children. Moreover, the appellant is languishing in judicial custody since 01.05.2023. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

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 that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 17.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 794 of 2022 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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