

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4730 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- TEKARI District- Gaya

Yogendra Yadav Son of Late Dahu Yadav R/o Vill.- Malsari, P.S - Tikari, O.P
- Panchanpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandu Manjhi Son of Unknown Husband of Late Urmila Devi(Informant).
R/o Vill.- Malsari, P.S - Tikari, O.P - Panchanpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Sharma, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 09.08.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Tekari (Panchanpur) P.S. Case No. 71 of 2024 under Sections 341, 323, 354, 354B, 504, 506 of the I.P.C. and Sections 3(i)(r)(s), 3z(va) of SC/ST Act was rejected.

3. As per prosecution case, the appellant caught hold the hand of the victim girl and forcibly dashed her on the ground as also attempted to commit rape upon her.

4. Learned counsel for the appellant submits that the



appellant is innocent and has falsely been implicated in the present case due to previous enmity being a co-villager. Learned counsel for the petitioner further submits that there is inordinate delay of about three months in lodging the F.I.R. that too without there being any plausible explanation for such delay which creates serious doubt in the veracity of the prosecution case. Charge-sheet has been submitted in this case. The appellant is in custody since 21.06.2024 and has one criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature. The victim and several other witnesses have supported the prosecution case. The I.O. after completion of investigation has submitted charge-sheet under Sections 341, 323, 354, 504, 506 of the I.P.C. and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.08.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya is hereby set aside.



7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tekari (Panchanpur) P.S. Case No. 71 of 2024.

(Rudra Prakash Mishra, J)

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