

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1095 of 2016

Arising Out of PS.Case No. -150 Year- 2016 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

- =====
1. Heera Devi, wife of Yogi Yadav
 2. Bharat Yadav son of Yogi Yadav
Both resident of Village- Gangwara (Kuppa Tola), P.S.- Sadar,
District- Darbhanga.
 3. Pachhu Yadav @ Ram Prasad Yadav son of Late Krishna Yadav,
R/o Village- Taralahi, P.S.- Bahadurpur, Distt- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kedar Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 20-12-2016

1. Heard learned counsel for the appellants as well as learned Special public prosecutor for the State.

2. This criminal appeal has been preferred against the order dated 16.9.2016 passed by learned Ist Addl. Sessions Judge-cum- Special Judge, Darbhanga, Bihar in ABP no. 1105/2016.

3. According to the written report of the informant, it was co- accused Shatrughan Yadav who established physical relation with her and after that solemnized his marriage. Subsequently, she was ousted from her matrimonial home. Appellant no.1 happens to be mother, appellant no.2 happens to be brother and appellant no.3 is **Phupa** of co- accused Shatrughan Yadav and it is only stated that they instigated co- accused to desert the informant as she belongs to scheduled caste community. It is admitted position that the aforesaid instigation



had not taken place in presence of the informant. It is informed that co- accused Shatrughan Yadav has already surrendered before the court below.

4. Considering the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal is allowed and the impugned order 16.9.2016 passed by learned Ist Addl. Sessions Judge-cum- Special Judge, Darbhanga in ABP no. 1105/2016 is set aside.

5. Accordingly, it is ordered that in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the appellants above named be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Ist Addl. Sessions Judge-cum- Special Judge, [SC/ST Act], Darbhanga in L.N.M.U. P.S. Case no. 150/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Shahid/-

AFR/NAFR	NAFR
CAV DATE	NA
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