

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.294 of 2017

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

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1. Shatrughna Yadav S/o Yogi Yadav Resident of Village- Gangwara
(Kuppa Tola), P.S. Sadar, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar
2. Suman Kumari, D/o Binde Paswan, resident of village-Gangwara (Sakri
Main Road), P.S.-L.N.M.U., District-Darbhang.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kedar Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-06-2017

The appellant seeks regular bail in connection with

L.N.M.U. P.S. Case No.150 of 2016 registered for the offences
punishable under Sections 366A and 376/34 of the Indian Penal
Code and Section 3(1) (x) of the SC/ST (Prevention of Atrocities)
Act, 1989.

Earlier notice was issued to the informant-opposite
party no.2 and it appears from the receipt of the service report of
the registered notice that she has received the notice, but nobody
has appeared on her behalf today.

It has been submitted on behalf of the appellant that
from perusal of FIR it appears that no case under Section 376 IPC
is made out as on the promise of marriage rape was committed and
also offence under Section 366A IPC is not made out as she has
gone on her own sweet will with the appellant and the appellant is
in custody since 6.10.2016. There is delay in lodging the FIR also.



Heard learned Special P.P. also, who has opposed the prayer for bail.

Having heard both sides, considering the nature of allegation and the fact that the appellant has remained in custody for more than seven months, as such, this appeal is allowed. The impugned order is set aside. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Darbhanga, in connection with L.N.M.U. P.S. Case No.150 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (ii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

Arvind/-

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(Vinod Kumar Sinha, J)

