

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2622 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Rajendra Yadav S/o- Late Barai Yadav, resident of Village- Sareya, P.S.-
Hussainganj, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Yogesh Chandra Verma, Sr. Adv.
For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. P.P.
For informant : Smt. Neelam Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-10-2017 The appellant seeks regular bail in connection with

Hussainganj P.S. Case No. 05 of 2017, registered for offences

punishable under Sections 447, 448, 451, 452, 323 and 376 of the

Indian Penal Code and Section 3(1)(x) of SC/ST (POA) Act.

Allegation against the appellant is that he by promising
marriage made physical relationship with the complainant and also
sold some of her lands and kept her money with himself but later
on he refused to marry him and also of assault to her.

It has been submitted on behalf of the appellant that out
and out false and fabricated allegations have been made by the
complainant as she is a major and had gone with the appellant out
of her own sweet will and the land in dispute was earlier sold by
the husband of the complainant to the appellant and only with a



view to grab that land, the present false case has been lodged.

Heard learned Special P.P. as well as learned counsel for the complainant. They have opposed the prayer for bail. Learned counsel for the complainant has submitted that appellant on the fake promise of marriage, made physical relationship with her and also has cheated her and sold all her land and when she went to complain about the said act of the appellant, he also beaten her.

Having heard both sides, considering the fact and circumstances of the case and also the fact that the complainant is a major and she had gone with the appellant out of her sweet will, as such, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Siwan, in connection with Hussainganj P.S. Case No. 05 of 2017, 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.

(iii) Appellant shall not harass or humiliate in any manner and shall also not threaten the complainant.

(iv) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court.

It is made clear that failure to comply the above direction shall make the appellant liable for cancellation of his bail bonds.

Further, the trial court is directed to expedite the trial and try to conclude it within a period of nine months.

Needless to say both the parties shall cooperate in expeditious disposal of trial.

(Vinod Kumar Sinha, J)

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