

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1393 of 2018

Arising Out of PS.Case No. -329 Year- 2017 Thana -SIRDALA District- NAWADA

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Akhilesh Yadav, Son of Late Jagdish Yadav, Resident of Village - Korya, P.S.-
Fatehpur, District-Gaya.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Sheo Kumar Prasad, Advocate

For the State : Mr. Sri Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 (hereinafter referred to as the “ S.C/S.T Act”) against the refusal of prayer for regular bail by the learned Additional District & Sessions Judge 1st-cum-Special Judge, Nawada, in Sirdala P.S. Case No.329 of 2017 registered under Sections 302, 201, 34 of the Indian Penal Code as well as under Section 3(2)(v) of the S.C./S.T. Act.

According to the F.I.R., the deceased was a Maid in the house of the appellant. Subsequently, physical relation developed between the two. The deceased allegedly gave birth to a male child. Thereafter, the appellant refused to marry with her. Subsequently, the



deceased lodged a case under Section 376 of the Indian Penal Code against the appellant.

Submission is that in the aforesaid criminal case, D.N.A. test of the victim was to be performed as the victim had prayed for such examination to the court concerned and just to prevent her, the appellant is suspected to have committed murder.

Submission of the learned counsel for the appellant is that the appellant is in custody since 21.01.2018. Investigation of the case is already complete and only material against the appellant is suspicion. The necessary material for D.N.A. could have been taken and preserved even after death of the victim, which has not been done in the present case.

Learned counsel for the respondent has opposed the prayer for bail, however, has stated that there is no dispute that only material against the appellant is suspicion.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st—cum-Special Judge, Nawada, in Sirdala P.S. Case No.329 of 2017 with condition that both the bailors shall be resident of the territorial jurisdiction of the court below and the appellant shall fully co-operate



with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

AnilKrSinha/
Abhishek

AFR/NAFR	
CAV DATE	
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