

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3142 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- BENIPATTI District- Madhubani

=====

Dhiraj Kumar @ Dheeraj Kumar Yadav, Son of Ranjeet Yadav, resident of
Village- Samda, P.S. Benipatti, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 30.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in Benipatti Police Station Case No.68 of 2018, corresponding to G.R. No.54 of 2018 registered under Sections 302, 201/34 of the Indian Penal Code as well as Sections 3(2)(v)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., appellant *Dhiraj Kumar @ Dheeraj Kumar Yadav* had love affairs with the daughter of the informant. However, daughter of the informant was married with some other person. Dead body of the daughter of the informant was found from the Hut of the informant. The dead body was disposed of. Thereafter,



F.I.R. was lodged with allegation that due to love affairs, appellant, *Dhiraj Kumar @ Dheeraj Kumar Yadav* and others might have committed murder of the victim after commission of rape.

Submission is that since dead body was disposed of by the informant himself, no evidence is available on the record to substantiate the allegation of murder or suicide or commission of rape. Just to pressurize, false case has been lodged.

Learned counsel for the informant opposed the prayer for bail.

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 court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/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)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

