

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3210 of 2018

Arising Out of PS. Case No.-149 Year-2016 Thana- FATEHPUR District- Gaya

Akhilesh Yadav, S/o Late Jagdish Yadav, resident of Village- Korya, P.S. Fatehpur, District Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad
For the Respondent/s	:	Mr. Sadanand Paswan
For the Complainant	:	Mr. Parthiv Raj Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 08-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(II) 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 17.07.2018 passed by the learned Exclusive Special Judge SC/ST, Gaya in Fatehpur Police Station Case No.149 of 2016 registered under Sections 376, 406, 420 of the Indian Penal Code and Section 3(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to complaint based F.I.R., the complainant was in live-in relationship with the appellant since long and she was mother of a child from this appellant. Prior to relationship with the appellant, the complainant was a widow.



Submission is that the matter is of consensual physical relationship. Hence, offences alleged are not attracted.

Learned counsel for the complainant opposed the prayer for bail on the ground that appellant has subsequently committed murder of the complainant and for that another case is going on against the appellant.

So far as allegation in the present case is concerned and also considering the fact that appellant is in custody since 06.07.2018 and investigation of the case is already complete, 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)

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CAV DATE	
Uploading Date	
Transmission Date	

