

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.299 of 2021**

Arising Out of PS. Case No.-20 Year-2020 Thana- BELHAR District- Banka

SIYARAM YADAV Son of Late Kamleshwari Yadav Resident of Village -
Sarsadda, P.S.- Belhar, District - Banka

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Respondent/s : Ms. Usha Kumari-I, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-08-2021 Heard Mr. Krishna Prasad Singh, learned
counsel for the appellant and Ms. Usha Kumari-I,
learned Spl. PP for the State.

The appellant has challenged the order dated 04.03.2020 passed by the learned Additional Sessions Judge 1st -cum-Special Judge, SC/ST Act, Banka in A.B.P. No. 384 of 2020 arising out of Belhar P.S. Case No. 20 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 364 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

It has been alleged in the FIR that the son of the informant was assaulted, abused and was abducted because he was continuing his relationship with the



daughter of the appellant.

Learned Senior Advocate for the appellant has submitted that the FIR has been lodged after 23 days of the occurrence. With respect to the same occurrence, the brother of the appellant had also lodged a case against the son of the informant, alleging that he had stealthily tried to enter the house of the appellant for meeting his daughter. The son of the informant was nabbed and before he could be handed over to the police, he ran away.

It has, therefore, been submitted that the appellant, his wife and others have been made accused in this case because they had tried to prevent the son of the informant from meeting their daughter.

Almost all the accused persons of this case have been granted bail by different Benches of this Court.

The son of the informant is in nobody's captivity and is roaming at large. This fact has been demonstrated from various entries in the case diary which reflect that he had purchased a SIM card on showing documents like Aadhar Card and other identification papers and from the CDR of such telephone number, his location was found to be somewhere in Delhi or Noida or in Uttar Pradesh.



Thus, it has been submitted that because of the appellant and his family members not accepting the relationship between the son of the informant and his daughter, this case has been filed.

The accusation under the SC/ST (Prevention of Atrocities) Act does not appear to have been made out.

For the reasons aforesaid, the appellant was granted provisional bail by order dated 25.06.2021.

Regard being had to the facts aforenoted, the provisional bail granted to the appellant is hereby confirmed.

The appellant shall remain on the same bail bonds.

The appeal stands allowed accordingly.

(Ashutosh Kumar, J)

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