

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1312 of 2021**

Arising Out of PS. Case No.-292 Year-2018 Thana- SAMASTIPUR GRP CASE District-
Samastipur

Sanjay Yadav aged about 26 years (M) son of Aadi Yadav @ Kishun Yadav,
Resident of Village- Rakshi, P.S.- Garhpura, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant : Mr. Ashok Kumar Pathak Advocate
For the State : Mr. Sadanand Paswan Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 26-05-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the appellant and learned Spl PP for the State.

The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity , *SC/ ST Act*) against the refusal of his prayer for regular bail vide order dated 25.08.2020 passed by learned Special Judge SC/ST Act Samastipur, in a case registered under Sections 306 of the Indian Penal Code and Charge sheet has been submitted under Sections 3(2)(va)(w)(i) of SC/ST Act, in connection with TR No. 1016 of 2020, arising out of Rail Samastipur (Hasanpur) PS Case No. 292 of 2018.

The matter was taken up yesterday and the same was adjourned to enable the learned counsel for the appellant to seek instructions whether in the investigation any material has come



to support the defence of the appellant that the deceased was desperate to solemnize marriage with her brother-in-law, and because she could not succeed she has committed suicide.

The counsel for the appellant submits that in spite of his best efforts he could not get any instruction in support of such defence.

The prosecution case is that the appellant was giving tuition to the daughter of the informant. He was pressing her to marry him, and also discouraged any person who came for negotiation for marriage with the victim girl.

The learned counsel for the appellant submits that the entire prosecution case is false and fabricated. Petitioner had some monetary dealing with the prosecution party and, on account of such motive, he has been falsely implicated in this case. He has referred to informatory petition filed by the appellant in this regard, which is annexed as Annexure 3 to the bail application. In the investigation material has surfaced to suggest that in fact, the victim was desperate to solemnize marriage with the appellant. Nothing has come to support the allegation that the appellant is, in any way, responsible for instigating the victim to commit suicide. The appellant is having no criminal antecedents, as per statements made in the bail application, and he continues to be in custody since 13.02.2019.

This Court had earlier called for a report from the learned Trial Court to ascertain progress at the trial. The report suggests that the case is pending for prosecution evidence. Other than the framing of charge, there has been no progress in the trial.

The learned Spl. PP for the State submits that there is specific allegation against the appellant in the FIR and opposes the prayer for bail.



In my opinion, a case for grant of regular bail is made out. The impugned order dated 25.08.2020, passed in TR No. 1016 of 2020, arising out of Rail Samastipur (Hasanpur) PS Case No. 292 of 2018, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 25.08.2020 passed by learned Special Judge SC/ST Act Samastipur, in connection with TR No. 1016 of 2020, arising out of Rail Samastipur (Hasanpur) PS Case No. 292 of 2018, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act Samastipur, in connection with TR No. 1016 of 2020, arising out of Rail Samastipur (Hasanpur) PS Case No. 292 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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