

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1346 of 2021

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

PRAMOD KUMAR S/o Rameshwar Yadav R/o village- Koriya, P.S.-
Fatehpur (O.P. Gurpa), District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Sheo Kumar Prasad, Advocate
For the State	:	Mr Sadanand Paswan, Special PP
For the Informant	:	Mr Jay Prakash Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-04-2021

This case has been taken up for consideration today through Video Conferencing.

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

2 The appellant has preferred the present Appeal under Section 14 A (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 02.11.2020 passed by Additional Sessions Judge I -cum- Special Judge, Nawada in BP No 1965 of 2020 in a case registered under Sections 302, 201/34 of Indian Penal Code (for brevity, *IPC*) and Sections 3 (2) (r) (v) of SC/ST Act in connection with Sirdalla Police Station (for brevity, *PS*) Case No 329 of 2017 corresponding to Special Case No 710A of 2017.



3 Allegation in the First Information Report (for brevity, *FIR*) is that deceased was Maid in the house of co-accused Akhilesh Yadav. Subsequently, physical relation developed between the two. The deceased allegedly gave birth to a male child. Thereafter, co-accused Akhilesh Yadav refused to marry with her. Subsequently, the deceased lodged a case under Section 376 of IPC against co-accused Akhilesh Yadav.

4 Appellant's counsel submits that the appellant is in custody since 17.09.2020. There is no material against the appellant except suspicion because he happens to be cousin of co-accused Akhilesh Yadav. On this basis, he has been made accused during course of investigation though he is not even named in the *FIR*. It is also submitted that the appellant bears a clean antecedent.

5 Learned counsel for the informant and learned Special PP for the State have opposed the prayer for bail.

6 In my opinion, a case for grant of regular bail is made out. The impugned order dated 02.11.2020 passed in BP No 1965 of 2020 requires interference by this Court, which is, accordingly, set aside.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 02.11.2020 passed by



Additional Sessions Judge I -cum- Special Judge, Nawada in BP No 1965 of 2020 in connection with Sirdalla PS Case No 329 of 2017 corresponding to Special Case No 710A of 2017 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Nawada in Sirdalla PS Case No 329 of 2017 corresponding to Special Case No 710A of 2017 subject to the following conditions:

(1) 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.

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

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2021
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