

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1911 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- PAHARPUR District- East Champaran

Rajan Yadav, S/o Suruj Yadav @ Sury Yadav, Resident of Latiya, P.S.-
Paharpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupesh Ram, S/o Jhigan Ram, Resident of Husepur, P.S.- Paharpur, District-
East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 21-07-2022 Learned counsel for the appellant is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the appellant and learned Spl. PP for the
State.

The present appeal under Section 14(A) (2) of the
Scheduled Castes/Scheduled Tribes, Prevention of Atrocities
Act, (hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 29.04.2022 passed by the learned Special
Judge, SC/ST Act, Motihari, East Champaran in connection with



Paharpur P.S. case no. 100 of 2022 registered for the offences punishable under Section 366 of the Indian Penal Code and Sections 3(i)(r)(w) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per prosecution case, the informant alleged that his wife Sunita Devi had illicit relation with Rajan Yadav (appellant) even before her marriage and for that Panchayati was held, but the dispute was not resolved. It is further alleged that on 01.04.2022 the appellant had kidnapped his wife for marriage and on search the appellant and the wife of the informant caught and produced before the police.

Learned counsel appearing on behalf of the appellant submits that from perusal of the F.I.R., there is no material/ingredients, which constitute any offence under any of the SC/ST Act. It is next submitted that even as per the F.I.R. it transpired that the informant's wife had willfully went along with the appellant without any force and moreover they were not found in any objectionable condition. It is also submitted that there is no allegation of committing any humiliation or insult in treating the informant to be a member of the Scheduled caste. It is lastly submitted that in fact it is purely a matter, which relates to matrimonial dispute and good sense prevailed



between the parties and they have compromised the matter and in support of his submission, learned counsel for the appellant has brought on record the compromise petition by way of Annexure-2 to this memo of appeal.

On the other hand, learned Special Public Prosecutor appearing on behalf of the State opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation as also the factum of compromise, let the appellant be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Motihari, East Champaran in connection with Paharpur P.S. Case No. 100 of 2022 subject to the condition that one of the bailors will be the close relative of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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