

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1044 of 2023

Arising Out of PS. Case No.-48 Year-2021 Thana- PIRPAINTI District- Bhagalpur

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Raj Kumar Yadav Son of Niro Yadav R/V- Sundarpur P.S- Pirpainti Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Munniya Devi Wife of Sanichar Pahariya R/o Harinkol Pahariya Tola, P.s- Pirpainti, Dist- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Tarun Prasad Mandal, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-08-2023 Heard learned counsel for the appellant as well as

learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for bail by order dated 23.11.2022 passed by the learned Additional Sessions Judge-I, Bhagalpur in connection with ST (G.R.) Case No. 01 of 2021 arising out of Pirpainti P.S. Case No. 48 of 2021, F.I.R. dated 08.03.2021 registered under Section 376 of the Indian Penal Code and Section 3(1)(r)(s) (va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, there was love affair between the daughter of the informant and the appellant and they establish physical relationship. It is further alleged that when the daughter of the informant gets pregnant, the appellant



refused to marry her.

4. Vide order dated 19.05.2023 the appellant has been granted provisional bail for a period of 60 days to perform the marriage with the victim and file an affidavit.

5. Learned counsel for the appellant submits that after releasing from the judicial custody, the appellant has performed marriage with the victim on 14.06.2023 in a temple, namely, Sri Sri 108 Sri Ram Mandir Thakurbari, Brahman Tola Sabour (Bhagalpur) in presence of family members of both the parties. In the meantime, the provisional bail of the appellant was expired so he surrendered in the Court below on 03.08.2023 and he was sent to judicial custody.

6. Learned Special Public Prosecutor for the State has no objection in this regard.

7. In view of the submissions made in the supplementary affidavit filed by learned counsel for the appellant that he has performed marriage with the victim, 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 learned Additional Sessions Judge-I, Bhagalpur in connection with ST (G.R.) Case No. 01 of 2021 arising out of Pirpanti P.S. Case No. 48 of 2021, with other following conditions:-

i. One of the bailors should be the victim, namely,



Chandani Kumari.

ii. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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