

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2892 of 2024

Arising Out of PS. Case No.-761 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Suman Yadav S/o Kaleshwar Yadav R/o vill - Baluaha, ward no. 8, P.S. -
Sonbarsha Kachahari, Distt. - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari D/o Ramshankar Paswan R/o vill - Amarpur, ward no. 8,
P.S. - Sonbarsha Kachahari, Distt. - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 28-11-2024

Heard the parties.

2. The present appeal is being filed against the order dated 01.05.2024 passed by learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Saharsa whereby and where under learned court has pleased to reject the regular bail application filed by the appellant in Saharsa Sadar (S. Kachahari) P.S. Case No. 761/2023 dated 25.10.2023 for the offence u/s. 341, 323, 504, 506, 376 and 34 of the I.P.C. and section 3(i)(r)(s) and 3(2)(v) of SC/ST Act which is pending in the court of learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Saharsa.

3. As per the prosecution story, the informant gave written information before the Police alleging that Shrawan



Yadav developed physical relation with her on the pretext of marriage, one day took her to his home when his family members including this appellant abused/assaulted and also named her caste. She was forced out, visited a Doctor and found herself to be pregnant. A panchayati took place but as the accused chose not to obey, the FIR.

4. Learned counsel for the appellant submits that the allegation of physical relationship is with Shrawan Yadav his brother, only because he chose not to enter into marriage, the present case, he being the brother had no role to play and has already remained in custody since 18.12.2023 (paragraph-16 of the petition). Further, he shall be diligently appearing in trial.

5. Learned Spl.P.P. on the other hand opposes the prayer submitting that not only Shrawan Yadav developed physical relationship but the family also called her by caste name.

6. Having gone through the facts of the case and the submissions of the parties, allegation of physical relationship is attributed to Shrawan Yadav, though the family members including this appellant are alleged to have abused and taken caste name, charge-sheet submitted, he has remained in custody for eleven months, an undertaking has been given that he shall



be diligently appearing in trial and in any case, main allegation is against Shrawan Yadav, this Court is inclined to extend relief.

7. In that background, the order dated 01.05.2024 passed by learned Additional Sessions Judge-1st cum Special Judge SC/ST (POA) Act, Saharsa stands set aside and the appeal stands allowed.

8. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-Ist-cum-Special Judge SC/ST (POA) Act, Saharsa, in connection with Saharsa Sadar P.S. Case No. 761 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the appellant shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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