

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1817 of 2020**

Arising Out of PS. Case No.-193 Year-2019 Thana- AMAS District- Gaya

SUNIL YADAV @ SUNIL KUMAR Son of Ramotar Yadav Resident of
Village - Komal Khap, P.S.- Amas, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar Singh, Adv.
For the State	:	Mrs. Usha Kumari-I, Spl. P.P.
For the Informant	:	Mr. Bachchanji Ojha, Adv.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-12-2020 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the opposite party no. 2 through video conferencing.

The instant appeal has been filed by the appellant against the order dated 20.6.2020 passed by the learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Amas P.S. Case No. 193 of 2019 registered under sections 363 and 365 of the Indian Penal Code and section 27 of the Arms Act to which section 302, 364, 201, 120B and 34 of the Indian Penal Code were added subsequently, was rejected.

As per allegation in the FIR, it is stated by the informant that her husband had gone to the house of Uday



Kumar Verma and thereafter had proceeded with him on his motorcycle. It is further stated that then she was informed by Uday Kumar Verma that they went together to Hamjapur Bazar from where Uday Kumar Verma proceeded, the husband of the informant returned. The informant states that her husband having disappeared, the case was lodged.

It is submitted by learned counsel for the appellant that the FIR was registered against unknown. The name of the appellant transpired in course of investigation, when on secret information having been received, the dead body of the husband of the informant was discovered buried in an agricultural field. Thereafter, it is submitted that the name of the petitioner transpired in the confessional statement of co-accused Durga Yadav. In his confession, the said Durga Yadav narrated about the manner of killing of the husband of the informant, wherein he has categorically stated that it was his son Sangram Yadav, who shot the informant's husband with a pistol in his head. In his confession he further stated that the friends of his son which included Sunil Yadav (appellant herein) and Chandan Yadav were present and cooperated in the occurrence. It is submitted that the appellant is in custody since 10.6.2020 and besides the confessional statement of co-accused Durga Yadav, wherein also



the specific overt act alleged is on co-accused Sangram Yadav, there is no other material against this appellant.

The appeal is opposed by learned Spl. P.P. for the State and learned counsel appearing for the informant. It is submitted by learned counsel for the informant that from the material that has transpired in course of investigation including the confessional statement of Durga Yadav, it would transpire that the appellant has played an active role in the murder of the husband of the informant. It is submitted that it was on the confessional statement of Durga Yadav that the dead body of the husband of the informant was recovered.

Having heard learned counsel for the parties and taking into consideration the materials that has transpired in course of investigation including the confessional statement of Durga Yadav wherein it has been specifically stated that it was Sangram Yadav, who shot the husband of the informant in his head and the period in custody of the appellant, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 20.6.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Amas P.S. Case No. 193 of 2019 on furnishing bail bond of Rs. 10,000/ (Rupees ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Exclusive Special Judge, SC/ST, Gaya.

(Partha Sarthy, J)

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