

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2700 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- DANDARI District- Begusarai

=====

SANJAY KUMAR @ SANJAY YADAV @ SANJAY KUMAR YADAV S/O-  
Sita Ram Yadav R/O- Village - Hardiya, P.S. - Dandari, Dist. - Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Shubhesh Pandey, Advocate

For the Respondent/s : APP

=====

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

ORAL ORDER

2      23-06-2021                      Heard learned counsel for the appellant and learned  
Special P.P. for the State through video conferencing.

The appellant has filed the instant appeal against the order dated 1.4.2021 passed by the learned Special Judge, SC/ST, POA Act, Begusarai whereby the prayer for bail of the appellant in connection with Dandari P.S. Case No. 65 of 2020 registered under section 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) and 3(2)(v) of the SC & ST (POA) Act was rejected.

As per allegation in the F.I.R, the four named accused persons are stated to have come on a motorcycle. After some altercation it is stated that accused Madhu Yadav shot the informant's mother resulting in her death while Roshan Kumar shot Somani Devi injuring her. The accused persons escaped on their motorcycle.

It is submitted by learned counsel for the appellant that



neither the appellant is named in the F.I.R. nor any overt act has been alleged against him. The overt act are specific against the aforesaid two accused persons. The appellant is in custody since 20.1.2021 and has no criminal antecedent. Co-accused Deepak Yadav has been enlarged on bail vide order dated 1.3.2021 passed in Cr. Appeal (SJ) no.1062 of 2021.

The appeal is opposed by learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the appellant having remained in custody for more than 5 months, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 1.4.2021 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai in Dandari P.S. Case No. 65 of 2020 is set aside.

The appellant is directed to be enlarged on bail in connection with Dandari P.S. Case No. 65 of 2020 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 Special Judge, SC/ST (POA) Act, Begusarai.

**(Partha Sarthy, J)**

Prakash/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

