

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.761 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

1. SIKANDRA YADAV @ PREM CHAND KUMAR @ SIKANDAR YADAV
Son of Bindeshwari Yadav Resident of Village - Dhankada, Police Station -
Sasaram (M), District - Rohtas.
2. Bhirgun Yadav @ Bhirgun Kumar Son of Jokhu Yadav @ Jokhu Singh
Resident of Village - Dhankada, Police Station - Sasaram (M), District -
Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratibha Devi Wife of Vakil Ram Resident of Village - Dhankada, Police
Station - Sasaram (M), District - Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shankar Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-07-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants
against the order dated 11.01.2023 passed by learned Additional
District & Sessions Judge-XVII-cum-Special Judge, SC/ST Act,
Rohtas at Sasaram whereby the prayer for bail of the appellant
in connection with Sasaram (M) P.S. Case no. 155 of 2022
under Sections 147, 148, 149, 302, 323, 504, 506 and 120(B) of



the Indian Penal Code and section 27 of the Arms Act and Sections 3(2)(V) of SC/ST Act was rejected.

Allegations against the appellants are of committing murder of the husband of the informant in connivance with several co-accused persons.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous election dispute and dirty village politics. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. It is further submitted that nothing specific allegations have been attributed against the appellants rather the specific allegation of shot firing upon the husband of the informant, namely, Vakil Ram is against other co-accused Anil Singh. It is also submitted that nothing incriminating has been recovered from the possession of the appellants. It is also submitted that similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 07.12.2022 in Cr. Appeal (SJ) No. 2764 of 2022. Moreover, they are languishing in judicial custody since 11.01.2023.

The appeal for bail is opposed by learned Spl. P.P. for



the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 11.01.2023. passed in Sasaram(M) P.S. Case No 155 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Sasaram(M) on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) on each of them with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-XVII-cum-Special Judge. SC/ST Act, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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