

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4110 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- MADHEPURA District- Madhepura

Sudhanshu Kumar @ Sudhanshu Yadav @ Abhishek Kumar S/O Hardeep
Yadav R/O Village- Mathahi, Ward NO-4, P.S- Madhepura, District-
Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Paswan S/O Tejo Paswan R/O Village- Sripur, Dih Tola, Ward No-11, P.S- Madhepura, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Learned Spl.P.P. has informed the Court that in
compliance of the order dated 02.02.2023, she has informed the
Respondent No. 2 through the S.P. Madhepura.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for bail by order dated 14.10.2022 passed
by the learned Additional Sessions Judge-1st-cum-Special
Judge, Madhepura in connection SC/ST Case No. 25 of 2022
arising out of Madhepura P.S. Case No. 253 of 2022 registered
under Sections 341, 323, 354(B), 302/34 of the Indian Penal
Code, Section 3(2) (V) of the SC/ST (POA) Act and Sections ¾



of Diyan Act.

According to the prosecution case, the mother of the informant was crashed by accused-appellant with a Scorpio car, leading to her death. Thereafter, the appellant along with other accused persons fled away.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that on 11.03.2023, when the mother of the informant who is the headmistress was going to coaching, then the appellant along with other co-accused persons have assaulted her. He further submits that in fact, the deceased died due to road accident and the appellant has no concern at all with the alleged occurrence. He further submits that the similarly situated co-accused person, namely, Dhiraj Kumar has been granted bail by the Co-ordinate Bench of this Court vide order dated 09.02.2023 passed in Cr. App. (SJ) No. 3455 of 2022 and another similarly situated co-accused persons, namely, Pramod Kumar and Sintu Kumar have been granted bail by the Co-ordinate Bench of this Court vide order dated 19.01.2023 passed in Cr. App. (SJ) No. 3218 of 2022 and Cr. App. (SJ) No. 3383 of 2022 respectively. He further submits that the during investigation the police have



submitted the charge sheet against the appellant. The appellant is in custody since 04.08.2022.

The Learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant but fairly submits that the similarly situated co-accused persons have been granted bail by different Co-ordinate Bench of this Court.

Hence, let the appellants, 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 court below where the case is pending in connection with SC/ST Case No. 25 of 2022 arising out of Madhepura P.S. Case No. 253 of 2022 subject to the following conditions:-

1. 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.

2. 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.

3. 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 appellant has concealed his 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.

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

(Rajesh Kumar Verma, J)

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