

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2264 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

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Sonu Kumar @ Bijali Yadav S/o Late Maheshwar Yadav Resident of village-
Bishwari (Bishari) P.S.- Gwalpara, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar S/o Late Shyamlal Ram @ Late Shyam Lal Ram Resident of
village- Bishwari, ward no. 4, P.S.- Gwalpara, District- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Pawan Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-09-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary.

2. The instant appeal has been filed by the appellant
against the order dated 07.05.2025 passed by learned Additional
Session Judge, 1st-cum-Special Judge SC/ST (POA) Act,
Madhepura whereby the prayer for bail of the appellant in
connection with Udakishunganj P.S. Case No. 288 of 2024
under Sections 137(2), 140(3), 62 of the Bharatiya Nyaya
Sanhita, 2023 later on added under Sections 61(2), 140(1), 238,



103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 3/5 of the SC/ST Act and later on added Sections 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant along with other co-accused persons committed murder of brother of the informant namely Mantu Kumar.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant has also submitted that no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. There is previous enmity between the parties and the appellant has been implicated due to ill motive of the informant. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 29.10.2024 and has got ten criminal antecedents. Similar co-accused has been granted regular bail by this Court vide order dated 04.04.2025 passed in Cr. Appeal (S.J.) No. 612 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 07.05.2025 passed by learned Additional Session Judge, 1st-cum-Special Judge SC/ST (POA) Act, Madhepura is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Udakishunganj P.S. Case No. 288 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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