

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2540 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- Banma Itahari District- Saharsa

Sunil Yadav, S/O Nepali Yadav, R/O Village- Parasbanni, PS- Banma Itahari,
District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulo Sada, S/O Chandrdev Sada, R/O Village- Harahari, P.S.- Banma Itahari,
District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl, P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 18-12-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 25.04.2025 passed by learned Court of Additional Sessions Judge 1st-cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saharsa whereby the prayer for bail of the appellant in connection with Banma Ithari P.S. Case No. 147 of 2024 under Sections 126(2), 115(2), 109, 329(3), 191(2), 352 and 351(2) of the B.N.S., Sections 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act and Section 27 of the Arms Act was rejected.

3. The case of the prosecution, in short, is that nine



named accused persons arrived and made indiscriminate firing. It is further alleged that this appellant and one Kameshwar assaulted with butt of rifle.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The nature of allegation is general and omnibus. There is land dispute between the parties. It has further been submitted that no person has received any injury. The appellant is having criminal antecedent of five cases. He is languishing in judicial custody since 19.03.2025.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and has conceded to the argument that nature of allegation is general and omnibus.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.04.2025 passed in connection with Banma Ithari P.S. Case No. 147 of 2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Banma Ithari P.S. Case No. 147 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned Court of Additional Sessions Judge 1st-cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saharsa **with the condition that the appellant shall cooperate in the trial and shall remain present in the trial Court whenever required.**

(Ashok Kumar Pandey, J)

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