

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2055 of 2025**

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

Sonu Kumar @ Bijali Yadav @ Sonu Yadav @ Bijali, S/O Late Maheshwar
Yadav, R/o Village- Bishwari (Bishari), P.S- Gwalpara, District- Madhepura

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the respondent no.2	:	Mr. Nagendra Upadhyay, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

4 28-01-2026 Heard learned counsel for the appellant, learned
counsel for the respondent and learned Special Public
Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 07.04.2025 passed by learned Court of
Additional Sessions Judge 1st-cum- Special Judge, SC/ST
(POA) Act, Madhepura whereby the prayer for bail of the
appellant in connection with Gwalpara P.S. Case No. 96 of 2021
under Sections 147, 148, 149, 341, 323, 324, 384, 307 and 302
of the I.P.C., Section 27 of the Arms Act and Sections 3(2)
(v)/3(2)(va) of SC/ST Act was rejected.

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



appellant and one other, namely, Sridev Yadav have assaulted with iron rod and knife to the father of respondent in his thigh and on chest. They were also armed with pistol and knife.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The allegation against the appellant is general and omnibus. It has further been submitted that if the insult or occurrence is not caused to the victim or respondent on the basis of caste, no case is made out under the SC/ST Act. It has also been submitted that appeal of co-accused Sridev Yadav who is having similar nature of allegation has been allowed by learned Co-ordinate Bench vide order dated 21.06.2024 passed in Cr. Appeal (SJ) No. 3108 of 2023 and the case of this appellant stands on similar footing. The appellant is languishing in judicial custody since 20.11.2024.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has also conceded that the case of this appellant stands on similar footing with that of Sridev Yadav.

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 07.04.2025 passed in connection with Gwalpara P.S. Case No. 96 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Gwalpara P.S. Case No. 96 of 2021 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 (POA) Act, Madhepura.

(Ashok Kumar Pandey, J)

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