

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2758 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- GWALPARA District- Madhepura

Sandeep Yadav @ Sandeep Kumar S/o Reshamlal Yadav Resident of village-
Shyam Ward No 11, Panchayat - Pirnagar, PS- Gwalpara, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari W/o Binod Kumar R/o vill - Phulwariya, ward no. 13, P.S.-
Gwalpara, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr.Advocate Mr. Kumar Praveen, Advocate Mr. Barun Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 15-01-2026 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 03.06.2025 passed by learned District and 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. 148 of 2024 under Sections 126, 127(2), 109 and 3(5) and 103(1) of B.N.S., Section 27 of the Arms Act and Sections 3(2) (v) of SC/ST (POA) Act was rejected.

3. The case of the prosecution is that when the complainant was going to school on a bike, two persons riding



on another bike over took and intercepted him. The pillion rider got down from the bike, took out a pistol and fired at him. The bullet hit on the complainant's right side of the stomach and exited from the back whereafter they ran towards the village.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the FIR, it is clear that the name of the appellant does not find place therein. During course of investigation, Shivam Kumar and Manish Thakur are alleged to have made confessional statements in which, they named the appellant. It is further submitted that even in the said confessional statement, there is no allegation that this appellant fired at the deceased rather it has been stated that one Raja has fired. Save and except, confessional statement, there is nothing against this appellant. Similarly situated other co-accused person has already been granted bail by this court vide order dated 18.12.2025 passed in Cr. APP(SJ) No. 2516 of 2025. The case of this appellant stands on similar footing. Moreover, the appellant is languishing in judicial custody since 15.03.2025.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that appellant is having criminal antecedent of six cases.



6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 03.06.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Gwalpara P.S. Case No. 148 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 District and Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura.

(Ashok Kumar Pandey, J)

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