

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3623 of 2025

Arising Out of PS. Case No.-461 Year-2022 Thana- AMARPUR District- Banka

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1. Shankar Yadav S/o Bishnudeo Yadav Resident Of Village- Majhgay, Ps-Sambhuganj, Dist- Banka
 2. Nirdosh Yadav S/o Bishnudeo Yadav Resident Of Village- Majhgay, Ps-Sambhuganj, Dist- Banka
 3. Bishnudeo Yadav S/o Late Baldeo Yadav Resident Of Village- Majhgay, Ps-Sambhuganj, Dist- Banka
 4. Manni Yadav @ Manoj Yadav S/o Bishnudeo Yadav R/o vill - Majhgay, P.S.- Shambhuganj, Dist.- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Narayan Das S/o Late Mukti Das R/o vill - Mainma, P.S.- Amarpur, Distt.- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash Dwivedi, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Sp.PP
For the Respondent No.2:	:	Mr. Ganesh Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 08-05-2026 Heard Mr. Ravi Prakash Dwivedi, learned counsel for the appellants, Mr. Ganesh Sharma, learned counsel appearing on behalf of the Respondent No. 2 as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 18.02.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Banka in connection with Amarpur P.S. Case No. 461/2022, F.I.R. dated 19.08.2022 registered under Sections



147, 148, 149, 341, 342, 323, 302 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

3. According to the prosecution case, several accused persons surrounded the informant's son and on the order of Bishudeo Yadav, accused, Pintu Yadav open fire. The appellant Pankaj Yadav, Shankar Yadav and Nirdosh Yadav also opened fire. It is further alleged that other accused persons dashed him on floor and started brick batting upon the informant's son with a view to kill him and ultimately he died.

4. Learned counsel for the appellant submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. There is no specific allegation of assault or overt act against the appellants rather the specific allegation of firing is against the co-accused person, namely, Pintu Yadav. The co-accused persons, namely, Pankaj Kumar, Sargun Das, Sikandar Das have been granted bail by the co-ordinate bench of this Court vide order dated 20.07.2023, 20.07.2023 and 16.05.2023 passed in Cr. Appeal (SJ) No. 773 of 2023, 4307 of 2022 and 1928 of 2023 respectively. He further submits that the police, after



investigation, submitted charge sheet against the appellants. The appellant no. 1 and 2 are in custody since 28.10.2024 and the appellant no. 3 and 4 are in custody since 07.01.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants by submitting that the appellant nos. 1, 2 and 3 carries three criminal antecedent whereas the appellant no. 4 carries two criminal antecedent other than the present one.

6. Considering the above, the provisional bail granted to the appellant no. 3 vide order dated 24.02.2026 is hereby confirmed with given conditions in connection with Amarpur P.S. Case No. 461/2022 to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Banka.

7. Considering the aforesaid facts and circumstances of the case and there is no specific allegation of assault or overt act against the appellants, let the appellant nos. 1, 2 and 4, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Banka in connection with Amarpur P.S. Case No. 461/2022, with other following conditions:-

i. Appellants 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.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

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

(Rajesh Kumar Verma, J)

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