

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5160 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- DANDARI District- Begusarai

Kari Yadav @ Sanjay Yadav S/o Bisho Yadav R/o Village - Iniyar, P.S -
Ballia, District - Begusarai Used to reside at - Nayatola, Mazanpur, P.S -
Ballia, District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalo Devi W/o Late Hare Ram Paswan R/o Village - Rajopur, Ward No. 03,
P.S - Dandari, District - Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent No.2:	:	Mr. Urgesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-04-2026 Heard learned counsel for the appellant learned
Special Public Prosecutor for the State and learned counsel for
the respondent no. 2.

2. The instant appeal has been filed by the appellant
against the order dated 08.12.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Begusarai whereby the prayer for
bail of the appellant in connection with Dandari P.S. Case no. 98
of 2025 under Sections 127(2), 103(1), 352/34 of BNS and
Section 27 of the Arms Act and Sections 3(2) (va) of SC/ST
(POA) Act was rejected.

3. The case of the respondent is that altogether ten
persons are alleged to have intercepted the deceased after which,



co-accused Indal Yadav is said to have shot and killed the deceased. The appellant is alleged to have been with the accused persons and have abused the respondent and her husband with caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel has submitted that from perusal of the FIR itself, it is clear that the main thrust of allegation is against co-accused Indal Yadav who according to the respondent, has fired at the deceased. It has further been submitted that from perusal of the Post mortem report, it transpires that the doctor conducting autopsy of the deceased has found only one firearm wound and there is only allegation against one person that is Indal Yadav. As far as the allegation regarding the abusing the respondent and her husband with caste name is concerned, that is also general and omnibus and the words which are being used are not uttered in the FIR. Learned counsel has further submitted that similarly situated co-accused person, namely, Birju Yadav has been granted bail by learned co-ordinate Bench of this court vide Cr. App(SJ) No. 4927 of 2025. Moreover, the appellant is languishing in judicial custody since 17.11.2025.

5. The appeal for bail is opposed by learned Spl. P.P.



for the State and learned counsel for the respondent. Learned counsel for the respondent has submitted that the appellant was also present at the place of firing.

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 08.12.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Dandari P.S. Case No. 98 of 2025 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai.

(Ashok Kumar Pandey, J)

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