

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5124 of 2025

Arising Out of PS. Case No.-334 Year-2025 Thana- CHENARI District- Rohtas

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Zakari Yadav @ Jhakari Yadav @ Zakari Singh S/o- Lalmohar Yadav
Resident of Auraiyan P.S- Chenari, Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Gurucharan Singh Kharbar S/o- Ramashish Singh Kharbar R/v- Auraiyan
Ps- Chenari Dist- Rohtas

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Pawan Kumar Singh, Advocate
For the Respondent	:	Ms. Ojaswee Kumari, Advocate
		Mr. Shivam Aniket, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 07-04-2026 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 18.11.2025 passed by learned Special
Judge, SC/ST Act, Sasaram at Rohtas whereby the prayer for
bail of the appellant in connection with Chenari P.S. Case No.
334 of 2025 under Sections 103, 238(a) and 3(5) of B.N.S. and
Sections 3(2)(v) of SC/ST Act was rejected.

3. The case of the respondent, in short, is that the
father of the respondent has gone to the field but did not return.
The villagers disclosed on 10.08.2025 that the body parts of the



deceased were found. As per the respondent, he was having enmity with the petitioner and others and he believes that they have killed his father.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. In this case, there is no eye witness and name of this appellant has been impleaded on the basis of suspicion due to previous enmity. It has further been submitted that during course of investigation, police has extracted the confessional statement of this appellant. Save and except the confessional statement, there is nothing against him. He is having no criminal antecedent. It has also been submitted that similarly situated co-accused, namely, Nirmal Yadav has been granted bail by this Court vide Cr. Appeal (SJ) No. 5102 of 2025. Moreover, he is languishing in judicial custody since 13.08.2025.

5. Learned Spl. P.P. for the State and learned counsel for the respondent have vehemently opposed the appeal for bail. Learned counsel for the respondent has stated that this appellant has given his confessional statement before the police wherein he has stated that he has also cut the thigh of the deceased when he was murdered by Dinesh Yadav. It is worth mentioning that this statement was given before police and no recovery was



made leading to the statement of the appellant.

6. Be it as may be, from the confessional statement of the appellant also, main thrust of allegation goes on Dinesh Yadav who has cut the neck of the deceased.

7. 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 18.11.2025 passed in connection with Chenari P.S. Case No. 334 of 2025 is hereby set aside.

8. The appellant is directed to be enlarged on bail in connection with Chenari P.S. Case No. 334 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 Special Judge, SC/ST Act, Sasaram at Rohtas.

(Ashok Kumar Pandey, J)

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