

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1565 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- CHANDAN District- Banka

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1. Pramod Kr. Yadav @ Pramod Yadav S/o Hari Prasad Yadav @ Hari Yadav Resident of Village-Govindpur, Police Station-Chandan, District-Banka.
 2. Pappu Yadav @ Amrendra Kumar S/o Hari Prasad Yadav @ Hari Yadav Resident of Village-Govindpur, Police Station-Chandan, District-Banka.
 3. Dabloo Yadav @ Shivendra Yadav @ Shivendra Kumar S/o Hari Prasad Yadav @ Hari Yadav Resident of Village-Govindpur, Police Station-Chandan, District-Banka. Appellants

Versus

The State Of Bihar

... Respondent

Appearance :

For the Appellant/s	:	Mr.Ramakant Sharma Mr.Ajay Mukherjee
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-11-2020 Heard learned counsel for the appellants and learned Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 27-05-2020 passed by learned A.D.J.-I, Banka in G.R. No. 41 of 2020 (arising out of Chandan P.S. Case No. 75 of 2020) registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code (later on Section 302 of the I.P.C. was added) and Section 3(i)(r)(s) of SC/ST Act, whereby the prayer for bail of appellants was rejected.

As per the prosecution case, all the FIR named 11 accused persons including these appellants armed with weapons assaulted Jugal Tanti, as a result of which, he sustained injury



and became unconscious and later on died. It is further alleged that when Sumit Yadav came to save him, he was also assaulted and he sustained head injury. It is further alleged that accused persons also assaulted Pintu Tanti, Saheli Tanti, Athun Tanti and others.

It is submitted on behalf of appellant that there is general and omnibus allegation that all the 11 FIR named accused persons including the petitioners as also 12 unknown accused persons, variously armed, assaulted Jugal Tanti who later on died. It is further submitted that there is case and counter case and Chandan P.S. Case No. 76 of 2020 was lodged by appellant no. 1 against informant and his family members. In this case, chargesheet has already been submitted and appellants have no criminal antecedent, as stated in paragraph – 3 of the memo of appeal. It is also submitted that no case under the SC/ST Act is made out against the appellants and appellants are in custody since 16-04-2020.

Considering the aforesaid facts & circumstances, the appeal is allowed and the impugned order dated 27-05-2020 passed by learned A.D.J.-I, Banka in G.R. No. 41 of 2020 (arising out of Chandan P.S. Case No. 75 of 2020) is set aside.

Accordingly, let the appellants, as named above, 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 A.D.J.-I, Banka in connection with G.R. No. 41 of 2020 (arising out of Chandan P.S. Case No. 75 of 2020).

(Prabhat Kumar Singh, J)

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