

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1662 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- CHANAN District- Lakhisarai

1. UMESH MANDAL Son of Bhndal Mandal Resident of Village- Janakidih, P.S.- Chanan, District- Lakhisarai.
2. KIRAT YADAV Son of Kamo Yadav Resident of Village- Janakidih, P.S.- Chanan, District- Lakhisarai.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shatrughan Pandey, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-04-2021 Learned counsel for the appellants undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

The appellants in the present case are seeking setting aside of the order dated 16.04.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Lakhisarai in Chanan P.S. Case No. 33 of 2020 registered for the offences under Sections 188, 270, 271, 353, 332, 333, 379, 307 and 411/34 of the Indian Penal Code, Section 3 of the Epidemic Diseases Act, Section 27 of the Arms Act, Section 3(1)(r)(s) of SC/ST (POA) Act, Section 26, 33, 41, 42 of Indian Forest Act



and Section 17(A), 27, 32 of Wild Life Protection Act 1972, whereby and whereunder the prayer for regular bail of the appellants has been rejected.

Learned counsel for the appellants submits that as per the prosecution story, while the informant was on patrolling duty received information from Station House Officer that at the given place some people are indulged in violating the lockdown rules under Covid-19 Pandemic and are indulged in loading of stones and stone chips on tractor. The informant reached there and on seeing the police party, the accused persons indulged in pelting stones and resorted to fire on police. On chase police apprehended three persons. It is alleged that one police Sub-Inspector received injury at the hands of the accused persons.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Learned counsel submits that the allegations are general and omnibus regarding causing assault to the police personnel. It is submitted that the similarly situated co-accused have been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 1454 of 2020 and Cri. Appeal (SJ) No. 1504 of 2020. The appellants are in custody since 24.09.2020.



Learned Spl.P.P. for the State has opposed the prayer for regular bail of the appellants.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that they have been falsely implicated in this case on general and omnibus allegations that they were also present on the spot and had indulged in causing assault to the police personnel, further submission that the co-accused similarly situated have been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 1454 of 2020 and Cri. Appeal (SJ) No. 1504 of 2020 as contained in Annexures '2' and '2/A' respectively and further that learned Spl.P.P. for the State accepts that the case of the appellants is similarly situated with that of those who have been granted privilege of regular bail by a learned Co-ordinate Bench of this Court, this Court sets aside the impugned order and directs release of the appellants above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Lakhisarai in connection with Chanan P.S. Case No. 33 of 2020, subject to the conditions as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 their 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.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

