

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1992 of 2020

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

1. MAKSUDAN YADAV @ MASUDAN YADAV S/o Late Ram Sharup Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.
2. Nitish Yadav S/o Masudan Yadav @ Maksudan Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.
3. Sunil Kumar @ Billa S/o Masudan Yadav @ Maksudan Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.
4. Sudhanshu Yadav S/o Masudan Yadav @ Maksudan Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.
5. Dharo Yadav @ Dharmendra Yadav S/o Masudan Yadav @ Maksudan Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.
6. Karu Yadav S/o Prasadi Yadav Resident of Village-Bataspur, P.S.-Chanan, District-Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vipin Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-01-2021 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the order dated 22.08.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai, in B.P. No. 649 of 2020, arising out of Chanan P.S. Case No. 33 of 2020, whereby the appellant's prayer for regular bail has been rejected.



There are 28 persons named in the FIR including these appellants. The offence was allegedly committed by the named accused persons and 100-150 unknown miscreants. A Sub-Inspector of Police of the concerned police station is the informant, who belonged to Scheduled Caste. It is the prosecution's case that on the basis of confidential information to the effect that some persons were violating lockdown norms during the pandemic and were unauthorizedly carrying earth and stones, they were intercepted by the police. It is further alleged that the accused persons started pelting stones on the police and most of them managed to flee away. Three of the miscreants were allegedly apprehended. It is also alleged that the miscreants were using abusive language against the informant taking his caste name. Those apprehended, disclosed the names of other persons who had allegedly participated in commission of offence including that of the present appellants. Appellants are in custody since 11.06.2020.

Learned counsel for the appellants has argued that one Orsiyal Kumar was apprehended by the police, who had allegedly disclosed the name of the appellants, has been allowed regular bail under an order of this Court dated 14.09.2020, passed in Cr. Appeal(SJ) No. 1454 of 2020. He has submitted



that there is no specific allegation against the appellants. It appears that some other accused persons have also been allowed regular bail by an order dated 24.09.2020, passed in Cr. Appeal (SJ) No. 1504 of 2020.

Considering the facts and circumstances, particularly the fact that similarly circumstanced co-accused have been allowed regular bail by this Court, in my opinion, the appellants deserve grant of regular bail. Accordingly the impugned order dated 22.08.2020 is set aside. This appeal is allowed.

Let the appellants, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like amount, each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai, in B.P. No. 649 of 2020, arising out of Chanan P.S. Case No. 33 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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