

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.585 of 2021

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

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1. DHANRAJ YADAV @ DHANRAJ KUMAR SON OF RAJENDRA YADAV RESIDENT OF VILLAGE-BASATPUR, P.S.-CHANAN, DISTRICT-LAKHISARAI.
 2. PAPPU YADAV S/O SHYAM YADAV RESIDENT OF VILLAGE-DHANWAH, P.S.-CHANAN, DISTRICT-LAKHISARAI.
 3. MANOJ @ BAUNA YADAV S/O SHYAM YADAV RESIDENT OF VILLAGE-DHANWAH, P.S.-CHANAN, DISTRICT-LAKHISARAI.
 4. JITENDRA YADAV @ JITENDRA KUMAR S/O RAJESHWAR YADAV RESIDENT OF VILLAGE-BATASPUR, P.S.-CHANAN, DISTRICT-LAKHISARAI.
 5. GUDDU YADAV S/O FAKIRA 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. N.K. Agrawal, Sr. Adv. Mr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2021 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 16.10.2020, passed by learned Additional District and Sessions Judge, 1st -cum-Special Judge, Lakhisarai, in 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. Appellant nos. 1, 4 and 5 are in custody since 22.09.2020 and appellant nos. 2 and 3 are in custody since 24.09.2020.

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 and in Cr. Appeal (SJ) No. 1992 of 2020 on 19.01.2021.

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 16.10.2020 is set aside. This appeal is allowed.

Let the appellants, above-named, be released on bail on furnishing bail bonds of Rs. 2 0,000/-(twenty thousand), each with two sureties of the like amount, each to the satisfaction of learned Additional District and Sessions Judge, 1st -cum-Special Judge, Lakhisarai, in Chanan P.S. Case No. 33 of 2020.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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