

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.375 of 2021

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

1. Pulish Yadav Son of Munni lal Yadav @ Munni Yadav Resident of Village - Janakidih, P.S. - Chanan, District - Lakhisarai.
2. Khelo Yadav Son of Munni Lal Yadav @ Munni Yadav Resident of Village - Janakidih, P.S. - Chanan, District - Lakhisarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shatrughan Pandey, Advocate
For the State	:	Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-02-2021 Heard learned counsel for appellants and learned Spl. PP for the State.

Learned counsel for the appellants is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 against the refusal of prayer for regular bail vide order dated 16.10.2020 passed by learned 1st Additional Sessions Judge-cum Special Judge, Lakhisarai, in Chanan P. S. case no. 33 of 2020 registered 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, Sections 3(1) (r)(s) of the SC & ST Act, Sections 26,33, 41, and 42 of the Indian Forest Act,1927 and



Sections 17(A), 27,29, 32 of the Wild Life Protection Act, 1972.

The prosecution case is that appellants along with others were indulging in illegal mining and when the police have arrived they have obstructed them from discharging their duty. Allegation of assault and firing is also stated in the FIR. Allegation is against 100 to 150 persons.

The submission of the appellants' counsel is that allegations are general and omnibus and not specifically against the appellants. Implication is without any basis and on extraneous consideration similarly situated co-accused, namely Orsiyal Kumar, Bechan Kumar and Pramod Kumar have been granted bail in Cr. Appeal (SJ)No. 1454 of 2020 and Cr. Appeal (SJ) 1504 of 2020. The appellants are on bail in Chanan PS Case No 67 of 2018. They are in custody in this case since 22.09.2020.

Considering the rival submissions, this appeal is allowed. The impugned order dated 16.10.2020 passed by learned 1st Additional Sessions Judge-cum Special Judge, Lakhisarai in Chanan P. S. case no. 33 of 2020 is set aside. Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai, in Chanan P. S. case no. 33 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to inform the Court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on



each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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