

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.85 of 2021

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

Ram Balak Yadav, aged about 45 years, (Male) Son of Sothi Yadav Resident of Village- Bataspur, P.S.- Chanan, District- Lakhisarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Vipin Kumar, Advocate
For the Respondent : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2021 Heard learned counsel appearing on behalf of the appellant and learned counsel appearing on behalf of the respondent.

Appellant is aggrieved by the order dated 16.10.2020 passed by Additional District Judge 1st-cum-Special Judge, Lakhisarai in Chanan P.S. Case No. 33 of 2020 registered for the offence under Sections 188, 270, 271, 353, 332, 333, 379, 307 and 411/34 of the Indian Penal Code, Section 3 of Epidemic Diseases Act, Section 27 of the Arms Act, Sections 26, 33, 41 and 42 of the Forest Act, 1927, Sections 17(A), 27 and 32 of the Wildlife Protection Act, 1972 and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)



Act whereby the prayer of the appellant for grant of bail has been rejected.

Learned counsel appearing on behalf of the appellant would submit that the appellant has no criminal antecedent.

The allegation against the appellant is that due to violation of Covid-19 instructions, appellant was involved in loading stones on the tractor by JCB machine. It is further alleged that when the police party arrived there, the appellant and others threw stone on the police and fired 5-6 rounds and abused the informant by calling his caste name and as such the offence under Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is attracted. Appellant is in custody since 22.09.2020.

Considering the totality of the facts and circumstances of the case, the Court is inclined to allow the criminal appeal. The order dated 16.10.2020 passed by Additional District Judge 1st-cum-Special Judge, Lakhisarai in Chanan P.S. Case No. 33 of 2020 is set aside. Let the appellant, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge 1st-cum-Special Judge, Lakhisarai in connection with Chanan P.S. Case No. 33 of 2020.



Accordingly, the criminal appeal is allowed.

(Anil Kumar Upadhyay, J)

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