

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.674 of 2021

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

1. UMAKANT SAW S/o Dani Saw R/o village- Jankidih, Beldariya, P.S.- Chanan, District- Lakhisarai
2. Gautam Mandal S/o Rajendra mandal R/o village- Jankidih, Beldariya, P.S.- Chanan, District- Lakhisarai
3. Mohan Yadav S/o Kumo Yadav R/o village- Jankidih, Beldariya, P.S.- Chanan, District- Lakhisarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar Pandey Mr. Shatrughan Pandey
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-03-2021 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor for the State.

An order, dated 16.10.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, Lakhisarai, in B.P. No. 998 of 2020, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the regular bail application of the appellants in connection with Chanan Police Station Case No. 33 of 2020, registered for the offences punishable under Sections 188/270/271/353/332/333/379/307/411/34 of the Indian Penal Code, Section 3 of the



Epidemic Disease Act, Section 27 of the Arms Act, Section 3 (1) (r) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sections 26/33/41/42 of the Indian Forest Act and Sections 17(A)/27/32 of the Wildlife Protection Act, has been rejected.

The prosecution case, as per the First Information Report, is that the police, got confidential information that in violation of the lockdown rules during the pandemic period, some persons were loading earth and stone on a tractor, proceeded towards the place of occurrence and on seeing the police, the accused persons assembled there and started pelting stones. However, three persons were apprehended, who disclosed the names of the appellants and others.

Learned Counsel appearing on behalf of the appellants submits that the appellants have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of the disclosure of their names by the apprehended accused persons. He next submits that the appellants are in custody since 21.09.2020. He submits that similarly situated co-accused persons, namely, Orsiyal Kumar, Bechan Kumar, Pramod Kumar, Sarun Yadav, Pulish Yadav, Khelo Yadav and Chhabila Yadav have been granted bail



by co-ordinate Benches of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the appellants.

Accordingly, this appeal is allowed and the order, dated 16.10.2020, passed, in B.P. No. 998 of 2020, by learned 1st Additional Sessions Judge -cum- Special Judge, Lakhisarai, is set aside.

Let the appellants, above named, be released on bail on furnishing bail bond 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 connection with Chanan Police Station Case No. 33 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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