

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1380 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- HALSI District- Lakhisarai

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1. Yamuna Yadav @ Jamuna Yadav S/O Bhajjan Yadav R/O Village- West Giddha, P.S.- Halsi, District- Lakhisarai
 2. Nawal Yadav S/O Late Ramrup Yadav R/O Village- West Giddha, P.S.- Halsi, District- Lakhisarai
 3. Khiru Yadav S/O Late Saran Yadav R/O Village- West Giddha, P.S.- Halsi, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram, A.S.I. S/o Not Known Presently posted at Halsi Police Station, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Durgesh Nandan, Advocate.
For the Respondent/s : Mr. Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 Learned counsel for the Appellants is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Durgesh Nandan, learned counsel for the Appellants as well as learned Special Public Prosecutor for the State.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated



02.04.2022 passed by the learned Additional Sessions Judge 1st -cum-Special Judge, Lakhisarai in connection with Halsi P. S. Case No. 33 of 2022 (B.P. No. 524 of 2022) registered for the offences punishable under Sections 341, 342, 323, 324, 332, 353, 307, 504 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on account of the issue on fishing, the villagers of both East Giddha and West Giddha having armed with *Lathi*, *Danda* and bamboo assembled and assaulted one Visheshwar Ram, who was saved by the Police thereupon, the villagers started abusing the police by taking his caste name and also assaulted the informant due to which he received head injury. It is further alleged that the villagers also assaulted ASI Fasi Ahmad and Chaukidar.

Learned counsel appearing on behalf of the Appellants submitted that from the tenor of the F.I.R., it is evident that general and omnibus allegation has been levelled against all the F.I.R. named accused persons and unknown persons and there is no specific allegation against the appellants as to what role they have played. It is further alleged that they have been identified by the Chaukidar and save and except the



disclosure made by the Chaukidar, there is no material against the appellants and moreover, other co-accused persons having identical allegation have already been granted anticipatory bail by this Hon'ble Court in Cr. Misc. No. 1723 of 2021 vide order dated 21.07.2022. It is lastly submitted that no offence is made out under the provisions of SC/ST Act against them and they have in custody since 28.02.2022.

On the other hand, learned Special Public Prosecutor for the State opposes the bail however, he shown his inability to confront the statement that other similarly situated accused persons have been allowed the privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the other co-accused persons having identical allegation have already been granted anticipatory bail and moreover, these appellants are in custody since 28.02.2022, let the appellants, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum-Special Judge, Lakhisarai in connection with Halsi P. S. Case No. 33 of 2022 (B.P. No. 524 of 2022).



In view of the aforesaid fact, the impugned order dated 02.04.2022 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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