

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4549 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- KURSAKANTA District- Araria

Chhotu Yadav @ Chhotu Kumar @ Aman Yadav Son of Bishundeo Yadav
Resident of Village Bakhri, Ward No.11, P.S. Kursakanta, Distt. Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual court proceedings.

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 of bail vide order dated 25.10.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Kursakanta P.S. Case No.24 of 2021, giving rise to Special Case No.21 of 2021, registered under Sections 147, 148, 149, 341, 323, 332, 333, 353, 186, 354, 307, 427, 337, 504 of the Indian Penal Code and Sections 3(i)(r)/3(i)(s)/3(2)(v) of the SC/ST Act.

In the present appeal, notice is not required to be issued to the informant as the informant is represented by learned Special P.P. for the State.

The prosecution case, in brief, is that the informant along with other police officials on the basis of secret information



that the accused Chhotu Yadav has kept the illicit wine went to bamboo clumps situated behind the house of the petitioner. The petitioner and other co-accused persons named in the FIR armed with *lathi-danda* surrounded the police party and started abusing the informant and other police officials belonging to SC/ST category and due to assault the members of the police party sustained serious injury on their person. The accused persons, namely, Bishundeo Yadav, his son Chhotu Yadav, Bijali Devi, Ajay Yadav, Bhulia Devi, Ruchi Kumari, Dhinay Yadav and other 5-7 male and female members assaulted the ASI, Ajay Kumar and dragged him into the courtyard and when the injured police officials including the female members of the raiding party reached there, the accused persons also assaulted them and the accused persons also damaged the police vehicle standing on the road and torn the diary and other police papers. The accused persons created obstacle in discharging the duty of the public servants.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant is named in the FIR, but no specific overt act is alleged against him. It is further submitted that similarly situated other co-accused persons have already been enlarged on bail by different coordinate Benches of this Court vide



order passed in Criminal Appeal (SJ) No.3140 of 2021, dated 09.09.2021, Criminal Appeal (SJ) No.2050 of 2021, dated 14.09.2021 and Criminal Appeal (SJ) No.3620 of 2021, dated 13.09.2021. The appellant is in custody since 08.09.2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellant by submitting that the appellant has got criminal antecedents.

Having considered the fact that other co-accused persons have already been enlarged on bail by different coordinate Benches of this Court, order dated 25.10.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Kursakanta P.S. Case No.24 of 2021 is set aside. The appeal is allowed.

Let appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Kursakanta P.S. Case No.24 of 2021, giving rise to Special Case No.21 of 2021.

(Anjani Kumar Sharan, J.)

Sanjay/-

U		T	
---	--	---	--

