

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.673 of 2021**

Arising Out of PS. Case No.-319 Year-2020 Thana- ARARIA District- Araria

KUMAR RAJEEV Son of Shiva Nandan Prasad Yadav, Resident of Type 4/26, behind Hospital, Sudamdih main Colony, Police Station - Chelyagi Sudamdih, District - Dhanabad (Jharkhand).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shri Harendra Kumar, age-35 yrs., S.I. S.H.O. Bairgachi O.P., District-Araria. Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana
For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 30-01-2023 The learned counsel for the appellant is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellant as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 03.09.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 319 of 2020, corresponding to Special (SC/ST) Case No. 100 of 2020,



registered for offence punishable under sections 353, 355, 500, 504, 506 of the Indian Penal Code and section 51 of the National Disaster Management Act and later on, sections (i) (r) of the SC/ST Act was added, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, when there was spread of Covid-19, the appellants and other persons were attempting to cross check post and when the pass was demanded by the *Chowkidar*, they misbehaved with him and also threatened him.

The learned counsel for the appellant has submitted that the FIR was lodged after four days on the basis of a video being viral, in which the *Chowkidar* was being punished by the mob. He has submitted further that on similar footing, co-accused Manoj Kumar has been granted anticipatory bail in Cr. Appeal (SJ) No. 1292 of 2021.

Considering the above-mentioned facts and circumstances as well as the clean antecedent of the appellant, the appeal is allowed and the impugned order dated 03.09.2020 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 319 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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