

**(2021) 03 PAT CK 0116**

**Patna High Court**

**Case No:** Criminal Appeal (Sj) No. 501 Of 2021

Chhabila Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** March 12, 2021

**Acts Referred:**

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(1)(r)(s), 14A(2)
- Indian Penal Code, 1860 - Section 34, 188, 270, 271, 307, 332, 333, 353, 379, 411
- Epidemic Diseases Act, 1897 - Section 3
- Arms Act, 1959 - Section 27
- Indian Forest Act, 1927 - Section 26, 33, 41, 42
- Wild Life Protection Act, 1972 - Section 17(A), 27, 32

**Hon'ble Judges:** Madhuresh Prasad, J

**Bench:** Single Bench

**Advocate:** Shatrughan Pandey, Sadanand Paswan

**Final Decision:** Allowed

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**Judgement**

1. Heard learned counsel for appellant and learned Special P.P. for the State.
2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite Court fees and to remove the defects as pointed out by office when called upon to do so.
3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1987 against the refusal of his prayer for regular bail vide order dated 16.10.2020 passed by learned 1st Additional Sessions Judge-cum Special

Judge, Lakhisarai, in Chanan P. S. Case No. 33 of 2020 registered under Sections 188,270,271, 353, 332, 333, 379,307 and 411/34 of the Indian Penal

Code, Section 3 of the Epidemic Diseases Act, Section 27 of the Arms Act, Sections 3(1) (r)(s) of the SC & ST Act, Sections 26,33,41 and 42 of the

Indian Forest Act,1927 and Sections 17(A), 27, 32 of the Wild Life Protection Act, 1972 and also to set aside the aforesaid order dated 16.10.2020.

4. The prosecution case is that appellant along with others were indulging in illegal mining and when the police have arrived, they have obstructed

them from discharging their duties. Allegation of assault and firing is also stated in the FIR. Allegation is against 100 to 150 persons.

5. The submission of the appellant's counsel is that allegations are general and omnibus and not specifically against the appellant. Implication is

without any basis and on extraneous consideration. Similarly situated co-accused, namely, Orsiyal Kumar, Bechan Kumar and Pramod Kumar have

been granted bail in Cr. Appeal (SJ)No. 1454 of 2020 and Cr. Appeal (SJ) 1504 of 2020. Co-accused Pulish Yadav and Khelo Yadav have also been

enlarged on bail in Cr.Appeal (SJ) No.375 of 2021. The appellant is on bail in Chanan PS Case No 136 of 2019. He is in custody in this case since

21.07.2020.

6. Considering the rival submissions, this appeal is allowed. The impugned order dated 16.10.2020 passed by learned 1st Additional Sessions Judge-

cum Special Judge, Lakhisarai in Chanan P. S. Case No. 33 of 2020 is set aside.

7. Let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like

amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai, in Chanan P. S. Case No. 33 of 2020,

subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant.

The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fail to do so on two consecutive dates, his bail bond will be liable to be cancelled.