

**In the Court of 1<sup>st</sup> Addl. Distt. & Sessions Judge-cum-special Judge**

**(SC/ST), Aurangabad.**

**Risiup P.S. Case No. 14/2018**

**CIS No. 40/2018**

**Date:-19-02-2020**

A surrender-cum-bail petition filed on behalf of the accused/petitioners 1. Manoj Kumar Singh & 2. Raushan Kumar in connection with the instant case being Risiup P.S. Case No. 14/2018 under Sections 341, 323, 354, 504, 506/34 of IPC and Sections 3 (1) (r) (s), 3 (2) (va) of SC/ST (POA) Act is put up for hearing.

Moving the bail application it is submitted on behalf of the petitioners that they are innocent and have not committed any offence whatsoever. In fact the petitioners are falsely implicated in this case by the informant due to previous enmity regarding going to examination centre by three wheeler. No case under Section 354 of I.P.C. has been found by the I.O. and no occurrence has taken place inside the house. All the sections of I.P.C. are bailable and sections of SC/ST (POA) Act are ornamental to make the case non-bailable. The alleged injuries sustained by the informant are simple in nature. The petitioners have been released on bail by the police under Section 41 (1) of the Cr.P.C.. The petitioners have already been surrendered before the court after receiving summons. Lastly, it has been prayed on behalf of the petitioners to enlarge them on bail.

The learned Spll. P.P. opposed the prayer of bail.

Heard and perused the case record. As per the prosecution case on 16.02.2018 at around 6 p.m., F.I.R. named accused persons entered into the house of the informant and untied her SARI with intention to commit rape with her. She protested on which they assaulted her by taking her caste name. She raised alarm on which her daughter Sanyukta Kumari there, accused Nikhil Singh assaulted on which hand by knife. Gautam Kumar son of the informant came to save them then accused also assaulted him.

On going through the case diary, I find that witness at paras 9 and 10 have stated about the MAR-PIT and assault between the parties due to earlier altercation between petitioner Raushan Kumar Singh and son of the informant. Both were taking part in the MATRIC examination and there was some altercation between them in connection with going to examination centre situated at Town Aurangabad. Even the informant at her

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statement at para 7 and her daughter at para 8 has not stated anything about taking their caste name by the petitioners. Apparently, the occurrence if any did not take place due to the informant side being HARIJAN. As per the Para 49 of the case diary, injuries on the person of the informant has been found simple in nature. The petitioners have voluntarily surrendered before the court.

Thus, considering the above facts and circumstances, the prayer for bail of the petitioners are hereby allowed. They are directed to be released on bail on filing bail bond of Rs. 10,000/- with two sureties of the like amount.

Dictated by

1<sup>st</sup> Addl. Distt & Sessions  
Judge-cum-Special Judge  
(SC/ST), Aurangabad.

Date :- 19/02/2020