

In the court of 1st Addl. Distt. & Sess. Judge-cum-special Judge,

Aurangabad.

Nabinagar P.S. Case No. 218/2019

G.R. No. 118/2019

State vs. Mangal Singh

Date:- 23-09-2019

Bail petition filed on behalf of the accused/petitioner Mangal Singh who is in custody since 20.08.2019 in connection with the instant case being Nabinagar P.S. Case No. 218/2019 u/s 341, 323, 325, 307, 504, 506, 353, 224, 225, 332/34 of IPC and section 3(1) (r) (s), 3 (2) (v) of SC/ST Act is put up for hearing.

Moving the bail application it is submitted on behalf of the petitioner that he is innocent and has not committed any offence whatsoever. In fact, no occurrence took place as alleged in the F.I.R. The whole case is pure concoction and fabrication. In fact, the petitioner is accused in N.T.P.C. Khaira P.S. Case No. 31/2019 and was remanded in this case on 20.08.2019. He never deterred informant or any other police personal in performing his official duty so, section 353 IPC is not applicable against him. As far as section 307 IPC is concerned it is also not applicable in the case as no person sustained injuries on any of vital part of their body. The petitioner does not identify constable Ajit Kumar. So, there is no question of knowing his caste and abusing him by taking his caste name. It is further submitted that co-accused Raju Singh, has already been granted bail of this court vide order dated 17.08.2019. Other co-accused Bhardul Singh, Satish Singh, Uday Singh and Aalha Singh have also been allowed on bail vide orders dated 20.08.2019 & 27.08.2019. Petitioner is ready furnishing bail bond to the satisfaction of the court. Lastly, it has been prayed on behalf of the petitioner to enlarge him on bail.

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

Heard and perused the case record, the case of prosecution in short is that on dated 31.07.2019 at around 8:45 P.M., the police party arrested petitioner Mangal Singh in connection with N.T.P.C. Khaira P.S. Case No. 31/2019 registered u/s 30 (a) of Bihar Excise Act. However, he scuffled with police personals and raised alarm, on which co-accused person along-with 10-15 unknown persons came there and got freed petitioner Mangal Singh from the custody of police. During the process, co-accused person assaulted police-men and abused them by taking their custody.

On the bare perusal of the case record, I find that co-accused persons have already been granted bail by this court vide orders dated 17.08.2019, 20.08.2019, 27.08.2019 and 28.08.2019. The case of petitioner stands on similar footing.

Considering the above facts and circumstances, the prayer for bail of the petitioner is hereby allowed. He is directed to be released on bail on filing bail bond of 10,000/- with two sureties.

Dictated by

1st Addl. Distt & Sess. Judge-
cum-Special Judge,

Aurangabad.