

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

(SC/ST & POCSO), Aurangabad.

Nabinagar P.S. Case No. 275/2019

G.R. No. 139/2019

State Vs. Lawkush Kumar Singh & Others

Date:- 23-10-2019

Bail petition filed on behalf of the accused/petitioner Chhotu Kumar @ Ashwini who is in custody since 04.10.2019 in connection with the instant case being Nabinagar P.S. Case No. 275/2019 u/ss 341, 307, 506/34 of IPC and Sections 3 (1) (r), 3 (1) (s) of SC/ST (POA) Act & 27 Arms 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. The petitioner is falsely implicated in this case by the informant due to dirty village politics. The informant is Ex-Chairman of Nabinagar Panchayat and he filed this case to put pressure on him to leave the politics. All the sections except that under Section 307 of IPC, 27 Arms Act and provisions of Section SC/ST (POA) Act are bailable. Section 307 of IPC and 27 Arms Act are super-addition. Provisions of Section SC/ST (POA) Act are also not applicable in this case. The allegations in FIR are omnibus and general in nature. The petitioner has got no criminal history. He is ready to produce sureties to the satisfaction of the court. Lastly, it has been prayed on behalf of the petitioner to enlarge him on bail.

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

Heard and perused the case record, the case of prosecution in short is that the petitioner along-with other accused persons, all residents of village Gurdi came at the DARWAJA of the informant on 02.10.2019 at around 10:30 p.m. and made firing. The accused person shaw as the informant is Harijan by caste. They also abused him by taking his caste name. They made around twenty rounds of fire. The further case of prosecution is that the informant has been Ex-City Chairman of Nabinagar Panchayat and the accused persons have planned to kill him.

On the bare perusal of the case record, I find that there is no specific allegation on petitioner of firing. The allegation of firing is general and omnibus in nature. No injury has been sustained either by the informant or his family members. The accused petitioner has been arrested on the very next day of the occurrence but no incriminating article has been recovered from the possession. There is nothing in the case diary to show that the petitioner has got any criminal antecedent. He is in custody since 04.10.2019.

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 Rs. 10,000/- with two sureties of like amount each. Subject to the condition as one of the bailer shall be his family members/close relatives.

Dictated by

1st Addl. Distt & Sess. Judge-
cum-Special Judge (SC/ST & POCSO),
Aurangabad.