

Court of Ist Addl.Sess. Judge, Bhojpur, Ara.

SC/ST Case No 244/20

Rajesh Singh and others Vs State

(Arising out of Piro P.S.Case No 222/2020)

U/S-147, 148, 149, 341, 323, 307, 427, 504, 506 I.P.C.
and 27 Arms Act and Section 3(i)(r)(s)SC/ST Act.

09.11.2020

A bail petition has been filed on behalf of accused petitioners namely (1) Rajesh Singh (2) Munna Singh and (2) Vijay Singh in connection with Piro P.S. Case No-222/20 registered u/s-147, 148, 149, 341, 323, 307, 427, 504, 506 I.P.C.and Section 3(i)(r)(s) SC/ST Act is put up for hearing.

Heard the learned Counsel for the petitioners as well as learned Spl P.P. on behalf of state.

The learned Counsel for the petitioner has submitted that the petitioners are innocent and have been falsely implicated in the case. No occurrence as alleged has ever taken place. It is submitted by the learned Counsel for the petitioners that co-accused has been granted bail and the case of the petitioners stand on similar footing. Petitioners have no any criminal antecedent. No case is made out u/s 307 I.P.C. Hence prayer has been made to enlarge the petitioners on bail.

The learned Spl P.P. has opposed the bail plea of the petitioner.

The prosecution case, in short, according to the informant is that on 13.09.2020 in the evening Munna Singh Chhootu Singh Rajesh Singh, Vijay Singh, Kaushal Singh came at his door and said that tomorrow they ^{have} are to go to make AHAR/ Informant replied that he has to go to make AADHAR CARD of his son he will come after. On which Ravi Singh, Birendra Singh, Pappu Singh, Ram Dah Singh, Rajesh Singh, Dilip Singh, Sonu Singh, Ankit Singh with common intention came to his door. Then abused in the name of caste and also abused with name of caste and also abused with caste the mother and sister of the informant. Mahendra Singh objected they were assaulted to which he was badly injured. When Chitranjan Paswan ran to save him he was also assaulted. They also assaulted Hari Ram, Birendra Singh and Ram Dash Singh and fired in air for fear.

Perused the record.

(2)

From perusal of record it appears total 20 persons are named in the F.I.R. in which police has not found the complicity of 11 accused persons in the occurrence. Moreover, petitioners are not said to have slated the informant in the Specific name of his caste. Injury report of Mahendra Paswan is on record which shows that he does not sustain injury on the vital part. The petitioners have no criminal. The Supervision note itself reflects, every year, people of every community of the village collectively made AHAR for the purpose of better agriculture. There is no previous enmity between the parties. Both the parties have lodged the case against each other of the same occurrence. Co-accused has granted bail and the case of the petitioners stands on similar footing. In the said counter case maximum number of accused persons released on anticipatory bail. There is no specific allegation against the petitioners.

Hence, considering the facts and circumstances of the case and also submission made herein the court inclined to enlarge the petitioners on bail. Accordingly the bail petition filed on behalf of petitioners is hereby allowed on furnishing bail bond of Rs-10,000/ with two sureties of the like amount each to the satisfaction of the Court.

Dictated and Corrected

Harsheet Singh

Ist Addl. Sess. Judge,

Bhojpur, Ara.