

In the Court of Additional Sessions Judge-I, Cum Special Court SC/ST (P.O.A.) Act,

BUXAR.

Brahmpur P.S Case No. 31/2022

State of Bihar

Through

Jatul Paswan

Vs.

Manarika Singh & others

Arising out of Brahmpur P.S. Case no. 31/2022

U/S-147, 148, 149, 504, 506, 307 I.P.C. & 3(1)(r)(s) 3 (2) (v) SC/ST (P.O.A) Act.

Learned counsel for the petitioner.....Sri Bindeshwari Pavdey, Advocate.

Learned counsel for the State.....Sri Shiv Kr. Ram, Spl P.P.

Present: DHIRENDRA BAHADUR SINGH

Additional Sessions Judge I

cum Special Court SC/ST (P.O.A) Act, Buxar

Dated 13th April, 2022.

ORDER

Surrender-cum-bail application dated 25.03.2022 filed on behalf of petitioner Pintu Singh @ Pawan Singh, s/o late Mahesh Singh, r/o-village-Gayghat, P.S.-Haldi, District-Balia (U.P) is put up before me for hearing today in connection with Brahmpur P.S. Case no. 31/2022 for the offences u/s 147, 148, 149, 504, 506, 307 I.P.C. & 3(1)(r)(s) 3 (2) (v) SC/ST (P.O.A) Act. The accused has been in custody since 25.03.2022. Notice has been served by the learned Spl P.P. to the informant for hearing on the point of bail.

Heard both sides.

Learned counsel for the petitioner submitted that the petitioner is quite innocent and has committed no offence and earlier no bail application on behalf of the petitioner has been filed or rejected either by this court or by the Hon'ble High Court, Patna. He further submitted that petitioner has falsely been implicated in this

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case due to land dispute. It is also apparent from the petition that the petitioner is a man of clean antecedent and other co-accused have been allowed bail by this court. He also submitted that there is no allegation of assault against the petitioner on the vital part of the body and he has voluntarily surrendered in the court. Hence prayed to allow the bail application of the petitioner.

Learned Special P.P. opposed the regular bail application of the petitioner and submitted that there is serious allegation against the petitioner that he assaulted the informant by means of sharp cutting weapon on the vital part of the body and on similar circumstances regular bail application of other co-accused persons have already been rejected. He also submitted that the informant has been informed regarding hearing of the present bail application. Hence prayed to reject the bail application of the petitioner.

The prosecution case in brief is that one Jatul Paswan submitted written report on 17.01.2022 alleging therein that on 16.01.2022 at about 12:00 hours he was cutting grass in the mean time accused persons namely Manarika Singh, Pintu Singh and Vishal Yadav reached there and told as to why the informant had been cutting grass there and started abusing him by caste name "Dusadh Chamar". It has also been alleged that Pintu Singh assaulted by means of an Axe which caused injury on the right shoulder of the informant. Monarika Singh assaulted by means of Farsa on the neck of informant and Vishal Yadav also assaulted by means of an Axe on the head of informant. Other co-accused persons instigated to kill the informant and where nearby farmers came there and accused persons fled away from there.

Having heard the submission of the parties and from perusal of the case record and charge sheeted case diary para nos.1, 2, 4, 33, 34, 42, 81 and the injury report of informant/injured Jatul Paswan annexed with the case diary, it is apparent that the injured received following injuries on his person-

(i) 3-1/2" x 1/8" x skin deep on right side of face, caused by sharp weapon, nature of injury-simple.

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(ii) 1/2" x 1/8"x right parietal skull, caused by sharp weapon, nature of injury-simple.

(iii) 3" x 1/10"x on back of neck, caused by sharp weapon, nature of injury simple.

(iv) 3"x 1/10" x skin deep on right upper scapular region, caused by sharp weapon nature of injury-simple.

Thus there are four sharp cutting injuries on the vital part of informant/injured and petitioner is the first who assaulted the informant by means of an Axe. All the four injuries are on vital part of the body. On similar circumstances other two co-accused persons namely Manarika Singh and Vishal Yadav have been denied bail by this court. There is no criminal antecedent of the petitioner in the case diary and it is the contention of the petitioner he has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail and as a result his regular bail application stands dismissed.

Dictated
Mihendra Bahadur Singh
13.04.2022
A.D.J-1st

-cum-special Judge(SC/ST),
Buxar.