

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I-CUM
SPECIAL COURT S.C./S.T. P.O.A. ACT & POCSO ACT, JAMUI
S.C./S.T. Case No. 65/2017**

**Gajadhar Beldar @ Gajadhar Mandal and othersPetitioners
Vs.**

The State of Bihar.....O.P.

**U/s – 341/ 323/ 325/ 448/ 354/ 504/ 506/ 34 of the I.P.C. and section 3(1)(x)(xi)
S.C./S.T. P.O.A. Act**

**Learned counsel for the Petitioners.....Sri Prasadi Sah, Advocate
Learned counsel for the StateSri Manoj Kumar Das, Spl. P.P.**

**PRESENT-DHIRENDRA BAHADUR SINGH
ADDITIONAL SESSIONS JUDGE-I, -CUM
SPECIAL JUDGE S.C./S.T. P.O.A. ACT & POCSO ACT
JAMUI**

DATE OF ORDER- 13.02.2024.

ORDER

13.02.2024

1. Regular bail application filed on behalf of petitioners i. Gajadhar Beldar @ Gajadhar Mandal s/o- Late Gobind Beldar @ Gobind Mandal ii. Sandesh Beldar @ Sandesh Mandal iii. Dayanand Beldar @ Dayanand Mandal, all r/o village- Harla, P.S.- Jamui, District- Jamui in connection with S.C./S.T. Case No. 65/2017 U/s – 341/ 323/ 325/ 448/ 354/ 504/ 506/ 34 of the I.P.C. and section 3(1)(x)(xi) S.C./S.T. P.O.A. Act is put up before me for hearing today. Petitioners surrendered in the Court on 05.02.2024 and notice has been issued to the informant and the service report of the speed post shows that the notice has been delivered to the informant.

2. Learned counsel for the petitioners submitted that they are quite innocent and have committed no offence and they have falsely been implicated in this case with an ulterior motive. He also submitted that earlier anticipatory bail application filed on behalf of petitioner Gajadhar Beldar and Dayanand Beldar was rejected by the Hon'ble Court and the same of petitioner Sandesh Beldar was allowed but due to intermittent unsoundness of mind of Sandesh Beldar, he could not earlier furnish his bail bond and thereafter no bail application on their behalf has been filed before any Court. He further submitted that there is inordinate delay of six months in lodging the F.I.R. and the present case is out and out false case. He also submitted that petitioners belong to downtrodden class of society and S.C./S.T. P.O.A. Act has got no application against them. They have voluntarily

surrendered in the Court and they have in custody since 05.02.2024. Hence prayed to allow the regular bail application of the petitioner.

3. On the other hand learned Spl. P.P. opposed the bail application.

The informant never appeared even after service of registered notice to her. The track consignment report has been filed on behalf of petitioners.

4. The prosecution case, in brief is that one Kavita Devi submitted written report that on 24.10.2013 at 10 am. named accused persons entered into her house assaulted her, abused her by calling caste name MUSAHARI and one Sandesh Beldar stated to leave the place and stopped other accused persons from assaulting the informant and they left the place.

5. Having heard the submission of the parties and from perusal of the F.I.R., case diary and case record, it appears that charge has already been framed u/s- 341, 323, 325, 354, 448, 504, 506 I.P.C. & 3(1)(r) / 3(1)(s) / 3(2)(va) S.C./S.T. P.O.A. Act. No specific allegation of assault or outraging the modesty has been alleged against anyone of the petitioners, rather it has been mentioned in the F.I.R. itself that the accused Sandesh Beldar stated to leave the place and he stopped the other co-accused persons from any further assault. The Doctor found three bruises and one swelling on the person of the informant and he also found fracture in the right palm and it is not the vital part of the body. No criminal antecedent of the petitioners has been mentioned in the case diary and it has also come in light during course of investigation that the occurrence took place due to altercation in between children of both sides.

6. Considering aforesaid facts and circumstances, the regular bail application of the petitioners are hereby allowed and they are directed to be released on bail on furnishing of bail bond of Rs. 20,000 of two sureties of like amount each subject to the conditions laid down under section 437(3) Cr.P.C. Bailors must be family members, close relatives or co-villager of the petitioners. If the declaration regarding criminal antecedent given by the petitioners will be found false at any stage, her bail bonds shall be liable to be cancelled.

**Dictated
Sd/-**

**ADDITIONAL SESSIONS JUDGE-I, -CUM
SPECIAL JUDGE S.C./S.T. P.O.A. ACT & POCSO ACT,
JAMUI**