

1.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I-Cum – Spl. Judge
SC/ST Act, Jamui
SC/ST Case no. 155/2019

Bhagirath Yadav and othersPetitioners

Vs.

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

Arising out of Complaint Case No.- 1910c/2018 under sections 323/34, 354, 341, 147, 504 of I.P.C. and section 3(i)(r) of the SC/ST P.O.A. Act

Learned counsel for the Petitioner.....Sri. Dharendra Kumar Singh, Advocate

Learned counsel for the StateSri Manoj Kumar Das, Spl. P.P.

PRESENT-DHIRENDRA BAHADUR SINGH
ADDITIONAL SESSIONS JUDGE-I, JAMUI

ORDER

14.12.2023

1. A surrender-cum-bail application dated- 14.12.2023 filed on behalf of petitioners namely (i) **Bhagirath Yadav**, s/o Late Gopali Yadav, (ii) **Bhaso Yadav** s/o Late Gopali Yadav, (iii) **Fulo Yadav** s/o Late Gopali Yadav, (iv) **Lato Yadav** s/o Late Naro Yadav, (v) **Pradeep Yadav** s/o Late Mathura Yadav (vi) **Arvind yadav** s/o Fulo Yadav, (vii) **Bolbam Yadav @ Anuj Kumar** s/o Lato Yadav, (viii) **Shib Yadav** s/o Bhagirath Yadav, (ix) **Bijay Yadav** s/o Bhaso Yadav (x) **Kaleshwar Yadav** s/o Bhairo Yadav, all r/o village – Sansarpur, P.S.- Gidhour, District – Jamui, in connection with Complaint Case No.- SC/ST Case no. 155/2019 under sections 323/34, 354, 341, 147, 504 of I.P.C. and section 3(i)(r) of the SC/ST P.O.A. Act is put up before me for hearing today.

2. Learned counsel for the petitioner submitted that after cancellation of bail bond the petitioners never moved any bail application before any court. He also submitted that on 03.10.2023 petitioners could not come to the Court due to misunderstanding of date and also due to heavy rain. He submitted that the petitioners have not misused the privilege of bail knowingly or deliberately. He further submitted that they undertake that they will not misuse the privilege of bail in future. Hence prayed to allow the regular bail application of the petitioner.

3. On the other hand learned Spl. P.P. strongly opposed the bail application submitted that the witness was present in the Court and accused / petitioner deliberately misused the privileges of bail and on repeated call no one turned up on behalf of accused / petitioner and hence prayed to dismiss the regular bail application of the petitioner.

Continued pg. 2.....

2.

4. Having heard the submission of the parties and from perusal of the case record it appears that on 03.10.2023 witness/ complainant was present for recording his evidence and a petition u/s 317 of Cr.P.C was filed on behalf of petitioners and on repeated call no one turned up on their behalf and due to that evidence of witness could not be recorded and petition u/s 317 Cr.P.C. was dismissed and their bail bonds got cancelled and due to their non-appearance the judicial proceeding got hampered and it appears that the accused / petitioners deliberately misused the privileges of bail.

5. Considering aforesaid facts and circumstances, the regular bail application of the petitioners is hereby dismissed. Put up on 03.01.2023 for evidence. Accused persons are remanded to Jamui Jail to be produced on 03.01.2023

Dictated

**A.D.J.-I,- Cum – Spl.
Judge POCSO Act, Jamui**