

In the Court of Addl. District & Sessions Judge-I, Jehanabad
Spl. SC/ST Case No. 48 of 2021
Banshi P.S. Case No. 10 of 2021

O R D E R

11.04.2022

The instant bail petition filed on behalf of the accused-petitioners namely, **(1) Munarik Yadav, (2) Girjesh Yadav, (3) Uday Yadav and (4) Subelal Yadav @ Nitish Yadav**, who are under custody since 30.03.2022, in connection with Banshi P.S. Case No. 10 of 2021, for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 427, 504 & 506 of the I.P.C. and Sections 3(1)(r)(s) & 3(2)(va) of the SC/ST (POA) Act, is pressed today for hearing.

Heard the learned counsel for the petitioners as well as the learned Spl. P.P. for the State.

The case of prosecution, in brief, is that on 09.06.2021 at about 05:30 PM, when the informant was grazing her cow, co-accused Vidyanand Yadav and Yadunandan Yadav came there and started abusing and assaulting her by means of lathi, danda, stones and iron rod resulting which, she fell down on the ground and when the Vijay Kumar, Ganauri Paswan, Babita Devi and Abhishek Kumar came there to rescue her, the accused persons assaulted them too resulting which, they sustained injuries on their persons and on arrival of co-villagers, the informant and her family members saved their lives. It is alleged that the accused persons always used to threaten the informant and her family members by showing arms and abused them too by calling with their caste name. Thereafter, the FIR was registered and investigation started.

The learned counsel for the petitioners submitted that the petitioners are quite innocent, they have not committed any offence and they have falsely been implicated in this case. It is further submitted that in this case offence u/s 308 IPC and under SC/ST Act are not attracted against the petitioners and co-accused Vidya Kumar had registered a case vide Banshi PS Case No. 09/2021 and only with a view to save their skin from the said case, this false and concocted case has been instituted against the petitioners. There is land dispute between the parties for which a proceeding u/s 144 Cr.P.C. is still pending and similarly situated co-accused persons have been granted bail by this court vide orders dated 22.01.2022 and 02.03.2022 and the petitioners are languishing in custody since 30.03.2022 hence, they may be granted the privilege of bail.

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

Heard both the sides and perused the case record. On perusal of case record, it appears that the petitioners are named in the F.I.R. but the allegations levelled against them is not specific rather the same are general and omnibus in nature. From perusal of case record, it further appears that similarly situated co-accused persons have already been granted bail by this court vide orders dated 21.01.2022 and 02.03.2022 and the petitioners are under judicial custody since 30.03.2022.

Therefore, considering all the facts and circumstances of the case as well as the materials available on the record, the Court is of the considered view that the petitioner nos. (1) to (3), deserve the privilege of bail. Accordingly, the petitioner no. **(1) Munarik Yadav, (2) Girjesh Yadav and (3) Uday Yadav**, are hereby directed to be released on bail, on furnishing their bail bonds of Rs. 10,000/- each with two sureties of the like amount, each to the satisfaction of the Court concerned.

So far as petitioner no. (4) Subelal Yadav @ Nitish Kumar is concerned, from perusal of para 74 of

the case diary, it appears that petitioner no. (4) Subelal Yadav @ Nitish Kumar is having criminal antecedent vide Arwal SC/ST PS Case No. 07/2021 hence, considering all the facts and circumstances of the case, materials available on the record, criminal antecedent of the petitioner as well as the rival submissions advanced on behalf of both the sides, this Court is not inclined to enlarge the petitioner no. (4) on bail at this stage. Accordingly, the prayer for bail of the petitioner no. (4) **Subelal Yadav @ Nitish Kumar**, is hereby rejected. However, the petitioner no. (4) may renew his prayer for bail after one and half month of passing of this order.

(Dictated)

I/c Addl. Sessions Judge-I
Jehanabad.
11.04.2022