

**IN THE COURT OF ADDL. DISTRICT & SESS. JUDGE-I cum SPECIAL JUDGE,
KAIMUR AT BHABHU
SC/ST Reg. No. 05 of 2022.
SC/ST Bhabua P.S. Case No.-31/2021**

State V/S Rahul Yadav & Others

17/12/21

Present Sri Ghanshyam Kumar, Ld. Counsel on behalf of the petitioners and Sri Virendra Prasad Singh, Ld. A.P.P. for the State. The S.P.P. certifies that due notice of the present bail petition has been served on the victim.

ORDER

The present regular bail petition is filed on behalf of the petitioner namely, 1. Rahul Yadav 2. Maksudhan Yadav who are lying in custody since 14.12.2021 in connection with SC/ST Bhabua P.S. Case No. 31 /2021 filed U/s 341, 323, 379, 504, 506, 34 of IPC and 3(1)(r)(s), 3(2)(va) of SC/ST Act. Heard both the counsels. It is submitted that no regular or anticipatory bail petition is pending on behalf of the petitioner either in this court or in any superior court and that the petitioner has no criminal antecedents. Both the assertions have been affirmed by the Ld. A.P.P.

The prosecution story, in brief, is that on the alleged date & time while the informant was returning to his village via Sohpur, boys of Aahir caste started abusing her. When the informant tried to counsel them, they started abusing the informant by calling caste names and provoked the other members of their caste to join them. In the attack, the petitioner Maksudhan Yadav held the informant by his collar and rest of the accused including the petitioner Rahul Yadav attacked him with kick and fists. The petitioner Rahul Yadav is further accused of having threatened the informant by showing *Katta*. It is further alleged that they took away a sum of rupees 1500 from the informant.

The counsel for the petitioners argued for the grant of bail on the ground that the allegations levelled against them are false and they have not committed any offence. It is submitted that no case for violation of SC/ST act is made out from the facts alleged, rest of the offence alleged are bailable in nature except for section 379 of IPC which has been superfluously added to make the offence grave in nature. The petitioners are law abiding citizens and are ready to cooperate in the investigation of the trial of the case.

The learned A.P.P. opposed the grant of bail on the ground of nature and gravity of the offence alleged.

Heard the counsels and perused the record. Keeping in mind the

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17.12.21

material available on the record, the submissions advanced by the counsels and the other facts and circumstances of the case, I find it proper to enlarge the petitioner on bail subject to the condition that they shall file an undertaking to the effect that they will cooperate in the investigation and trial of the case. The petitioner is directed to be released on his furnishing bail bond of Rs 10,000/- (Ten Thousand) with two sureties of the like amount each subject to the satisfaction of this court. The office is directed to verify and accept the bail bonds complying with the social distancing norms issued by the Government and the Hon'ble High Court.

(dictated)

sd./-

ADJ-1st

Kaimur at Bhabhua

