

IN THE COURT OF ADDL. DISTRICT & SESS. JUDGE-I cum SPECIAL JUDGE,
KAIMUR AT BHABHUA
I.A. No. 01/2022 SC/ST Reg. No. 06/2021
CHAND P.S. CASE NO. 13/ 2021
STATE Vs. KUNWAR BIND

06/01/22

Present Sri Mangleshwar Singh, learned Panel Advocate on behalf of the Petitioner and Sri Sanjay Singh, learned Spl. P.P. for the State. The Spl.P.P. certifies that due notice of the present bail petition has been served on the victim.

ORDER

The present is a regular bail petition filed on behalf of the accused namely, **Kunwar Bind** who is in custody since 15.06.2021 in connection with Chand P.S Case No. 13 of 2021 filed U/s 420, 406, 323, 504, 506, 354(B), 354 of IPC & 3(1)(r)(s)(w) / 3(2)(v)(va) of SC/ST Act. It is submitted that no other regular or anticipatory bail application on behalf of the petitioner is pending either in this court or any superior court. Apart from criminal case no. 1818/17, the petitioner has no any criminal antecedents. Both assertions have been affirmed by the learned Spl. P.P.

The prosecution story brief is that the petitioner offered to sell his 40 desmil land for a sum of Rs. 03 lacks to the informant. The informant agreed to the proposal and gave the agreed sum of money to the petitioner who gave an acknowledgment of the receipt on a stamp paper but did not give the agreed property to the informant. For this, the complainant approached the petitioner on several occasions and each time she was sent back with a promise and finally on the alleged date and time when the informant asked for it, the petitioner abused her by using caste based abusive language and assaulted her with kicks and fists. The FIR in the case was registered at the instance of the informant and after investigation, the police submitted chargesheet against the petitioner u/s 420, 406, 323, 504, 506, 354, 354B of IPC and Section 3(1)(r)(s)(w), 3(2)(v)(va) of SC/ST Act.

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06/01/22

The learned Panel Advocate appearing on behalf of the petitioner argued for the grant of bail on the ground that the allegations levelled against him are false and fabricated and he has not committed any offence. That no case under SC/ST Act is made out against the petitioner and rest of the offence alleged are bailable in nature except the offence u/ss 354, 354B, 406, 420 of IPC and the allegations under these sections have been superfluously added to make the offence graver in nature. It is merely a case of civil dispute and the petitioner is lying in custody for more than six months for no offence. The case is at the stage of evidence and the petitioner is ready and willing to cooperate in the trial of the case.

The learned Spl. P. P. opposed the bail petition on the ground of nature and gravity of the offence alleged against the petitioners.

Heard the counsels and perused the record. Considering the entire material available on the record and the submissions advanced by the counsels in the totality of facts and circumstances of the case, the court finds it proper to enlarge the petitioner on bail. The petitioner is directed to be released on bail 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 petitioner shall file an undertaking to the effect that he shall cooperate in trial of the case and shall remain present on each and every date of hearing. The office is directed to verify and accept the bail bond complying with the social distancing norms issued by the Government and Hon'ble High Court.

(Dictated)

Sd./-

A.D.J.-1st cum Spl. Judge

Kaimur at Bhabhua

