

**IN THE COURT OF ADDL. DISTRICT & SESS. JUDGE-I cum SPECIAL JUDGE,
KAIMUR AT BHABHUA
A. B. P. No. 661 of 2021
SC/ST BHABHUA P. S. CASE NO. 14 / 2021
STATE Vs. SANDEEP DUBEY**

13/08/21 Present Sri Ashu Kumar Rai, learned counsel on behalf of the petitioner and Sri Sanjay Singh, learned Spl. P. P. for the State.

ORDER

The present anticipatory bail petition is filed through email on behalf of the accused namely, 1. Sandeep Dubey who is apprehending his arrest in connection with SC/ST Bhabhua P.S Case No. 14 of 2021 filed U/s 341, 323, 354(B), 504 / 34 of IPC & Section 3(1)(r)(s)(w), 3(2)(va) of SC/ST Act and Section 27 of Arms 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 & that the petitioner has no criminal antecedent. These assertions have not objected to by the learned Spl. P.P.

The prosecution story, in brief, is that on the alleged date and time when the informant went to take back her buffalo grazing in the paddy fields of the petitioner, the petitioner came carrying *danda* in his hand & abused the informant by calling caste names and also tried to outrage her modesty by disrobing her. When the informant started shouting, her husband came to her rescue & the petitioner abused him as well. It is alleged that the father of the petitioner also joined in and fired a gun shot at the husband of the informant but bullet missed the target and struck the petitioner instead.

The counsel for 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 the petitioner has falsely been implicated in the case and all the allegations are omnibus in nature. That there is no injury caused to the informant and his husband and no arm has been recovered from the possession of the petitioner. It is submitted that it was rather the husband of informant who attacked the petitioner with katta. The petitioner is lying in custody since 28.06.2021. That no case u/s 354(B) of IPC & 27 of Arms Act and under SC/ST Act is made out against the petitioner and the other offence alleged are bailable in nature. That the petitioner is ready to abide by all the terms and conditions as laid down u/s 438 (2) CrPC.

The learned Spl PP opposed the grant of anticipatory bail on the ground of nature and gravity of the offence alleged. It is submitted that a regular bail petition of the co-accused in the case has already been rejected and the case against the petitioner is that he committed atrocities against the member belonging to SC/ST community. In the light of the bar u/s 18 of SC/ST (Prevention of Atrocities) Act 1989, the anticipatory bail is not maintainable.

Heard the counsels and perused the record. Considering the nature of allegation, the fact and other circumstances of the case, the court is of the opinion that it is not a fit case for the grant of anticipatory bail. Hence, the

Contd. present anticipatory bail petition is hereby rejected.
13.08.21

(Dictated)

Sd/- Ms. Kajal Jhamb

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

Kaimur at Bhabhua

