

**IN THE COURT OF ADDL. DISTRICT & SESS. JUDGE-I cum SPECIAL JUDGE,
KAIMUR AT BHABHUA**

I.A. NO. 01/2022 in SC/ST REG. NO. 92/2020

SC/ST BHABHUA P.S. CASE NO. 40/ 2020

STATE Vs. Bablu Alam & Ors.

21.07.22 Heard Sri Diwan Sanaullah Khan, learned counsel on behalf of the petitioner and Sri Sanjay Singh, learned Spl.P.P. for the State. The informant present in person before the court. The petitioner is lying in jail custody since 08.07.2022.

ORDER

The present bail petition is filed on behalf of the accused-petitioner namely, **1. Sonu Ansari** in connection with SC/ST Bhabhua P.S. Case No. 40 of 2020 filed u/s- 341, 323, 147, 148, 149, 354(B), 379 of IPC & 3(1)(r)(s)(w) / 3(2)(va) of SC/ST Act. Heard the counsels today. It is submitted that the anticipatory bail of the petitioner filed in Hon'ble High Court, Patna became infructuous due to arrest of the petitioner. No other regular or anticipatory bail petition has ever been filed on behalf of the petitioner either in this court or in any superior court and there is no criminal antecedents against the petitioner. The assertions have been affirmed by the Spl. P.P.

The case of the prosecution, in short, is that on 27.07.2020 at about 2:30PM, the son of the informant was cutting the grass in field for cattle during which the petitioner along with other accused persons came there and started abusing her and her son and also started assaulting her son and when she tried to save him, she was dragged by Bablu Alam by her hair due to which she got disrobed and Imtiyaj Alam assaulted her with fists & fats and he also snatched her earrings worth Rs. 32,000/-.

The counsel for the petitioner argued for the grant of bail on the ground that the allegations levelled against him are false and fabricated. The petitioner is quite innocent and has committed no offence as alleged and he has been falsely implicated in this case. During investigation, the petitioner was granted benefit of Section 41(A) Cr.P.C. and the petitioner never violated the conditions of the bond. After investigation, police submitted the charge-sheet under Section 341, 323, 147, 148, 149, 354(B) of IPC & 3(1)(r)(s)(w) / 3(2)(va) of SC/ST Act. That the cognizance has been taken under the same Sections on dated 08.02.2021. That no case under SC/ST Act is made out against the petitioner and rest of the offence alleged are bailable in nature except 354(B) of IPC. Moreover, there is no direct

Contd.. and specific allegation against the petitioner. Hence, the petitioner deserves to be
21.07.22 granted bail.

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

Heard both sides and perused the record. There is no allegation of tampering the evidence and dissuading the witnesses against the petitioner. Para 59 of the case diary transpires that the no criminal antecedent has been reported against the petitioner. The informant appeared before the court and stated nothing new.

Considering the facts and circumstances of the case, the bail of the petitioner is hereby **allowed**. The petitioner is directed to be released on furnishing his bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each subject to the satisfaction of this Court with condition to the petitioner is directed to file an undertaking to remain physically present on date fixed for hearing on framing of charge.

(Dictated)

Sd/-

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

Kaimur at Bhabhua

