

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. 36/2021  
ADHAURA P.S. CASE NO. 54/ 2019  
STATE Vs. Bajrang Sah & Ors.

23.06.22     Heard Sri Omkar Nath Singh, learned counsel on behalf of the petitioner and Sri Sanjay Singh, learned Spl.P.P. for the State. The Ld. Spl.P.P. certifies that a prior notice of the present bail petition has already been served to the victim.

**ORDER**

The present bail petition is filed on behalf of the accused namely, **Bajrang Sah** who is lying in custody since 12.06.2022 in connection with Adhaura P.S. Case No. 54 of 2019 filed u/s- 341, 324, 307/34 of IPC & 27 Arms Act and 3(2)(v) of SC/ST Act. Heard the counsels today. It is submitted that the anticipatory bail has been filed before Hon'ble High Court, Patna vide Criminal Appeal (SJ) No. 3388/2021 but the infractious due to petitioner arrested by the Adhaura police. 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. Apart from two criminal cases of the petitioner i.e. in Adhaura P.S. Case No. 40/2018 & 73/2018, there is no other 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 the alleged date and time while the informant was going to attend nature call, the petitioner along with co-accused were waiting for him on the road. The co-accused fired a shot with his *katta* on informant, as a result of which informant got injured. It is alleged that the petitioner shared common intention with the co-accused.

The counsel for the petitioner argued for the grant of bail on the ground that the allegations levelled against him are false, concocted and fabricated. The petitioner has falsely been implicated in this case due to land dispute. The informant filed this case for undue pressure against co-accused Bahadur Baitha and others to concern the case Adhaura P.S. Case No. 53/2019. That

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23.06.22

no case under SC/ST Act is made out from the facts alleged and rest of the offence alleged are bailable in nature except Section 307 of IPC & 27 Arms Act which have been superfluously added to make the case look grave. Moreover, there is no direct and specific allegation against the petitioner. That the three co-accused persons has been granted anticipatory bail in Criminal Appeal (SJ) No. 330/2021 dated 29.06.2021 by the Hon'ble High Court, Patna. Hence, the petitioner deserves to be granted bail.

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

Considering the facts and circumstances of the case, the nature of allegation, injury and period of custody and the submissions advanced by the counsels, 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. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of this court.

(Dictated)

Sd/-

**A.D.J.-1st cum Spl. Judge**  
**Kaimur at Bhabhua**

