

Court of Additional Sessions Judge I cum- Spl. Judge SC/ST, Katihar
CA-553/2020
CIS-47/2020
Upendra Ravidas V/s Md. Sirajul & others
IA- 09/2023

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	07-01-23	1. Attendance along with a petition and a fresh power filed on behalf of the accused persons namely (1) Mohammad Sirajul Haque, (2) Mohammad Kamrul, (3) Mohammad Sharif, (4) Mohammad Israfil @ Andwani, all r/o village Teenpania , PS Korha, District Katihar, after supplying a copy to the prosecution. Attendance filed on behalf of the complainant. 2. Case called out. The accused persons along with their learned counsels, the complainant as well as learned Spl PP appeared. The accused persons surrendered before the court and they were taken into judicial custody. 3. Conducting the bail petition, the learned counsel appearing on behalf of the petitioners submitted that no BP or ABP had been filed earlier before this court or before any superior court. It was submitted that the petitioners were quite innocent, had not committed any offence and falsely been implicated in this case due to land dispute. It was also submitted that the petitioners had no criminal antecedent. It was also submitted that the complainant's mother had executed the sale deed in favour of petitioner no. 1 in year 1974 and they had been in peaceful possession thereon. It was submitted further that there was bonafide land dispute between the rival sides. It was lamented that this false case was filed only with an intent to compel the petitioner's to vacate their rightful claim over the disputed land. It was further submitted that the petitioners were ready to furnish local and solvent bailors, if they be enlarged on bail. The learned counsel prayed to enlarge the petitioner on bail. 4. Also heard the learned Spl. P.P as well as the learned private counsel of the informant. The learned counsels opposed the bail petition and prayed to reject it. 5. Heard both the sides. Perused the case record. Allegation against the petitioners is that they verbally abused the complainant using caste slurs, assaulted him and his wife. 6. This is a complaint case. The accused persons have been summoned to face trial for offence u/s 323, 341, 504 r/w 34 IPC and section 3(i)(r), 3(i)(s), and 3(2)(va) SC/ST (POA) Act. On perusal of the documents filed by the petitioners as well as from the complaint petition and statements of the witnesses, there appears clear semblance of bonafide land dispute between the rival sides. This is the first appearance of the accused persons after issuance of summons. No criminal antecedent of these petitioners reported to this court. 7. In the facts and circumstances mentioned above, the petitioners are admitted to bail, they are directed to be released on furnishing the bail bonds of Rs. 10,000/- with two sureties of the like amount each, subject to file an undertaking incorporating following terms. 1. That they will not commit the offence of similar nature in future. 2. That they shall be physically present before the court on each date fixed. 3. That they shall fully co-operate with the concerned authorities during investigation and trial. 4. That they shall not make any inducement, threat or promise, directly or indirectly to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer. 5. They shall not interfere peaceful possession of the complainant over her land in any manner.	

Dictated and corrected by



Neeraj Kumar II

ADJ I cum- Special Judge SC/ST
Katihar