

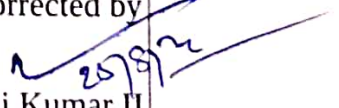
Court of Additional Sessions Judge I cum- Spl. Judge SC/ST, Katihar

GR- 1322/2018

CIS 988/2018

in connection with Katihar SC/ST PS case no 11 of 2015

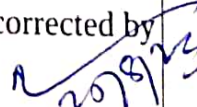
State Vs. Mohammad Sarlu & others

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	25.08.22	1. Attendance, a bail petition along with a fresh power filed on behalf of all four accused persons namely (1) Mohammad Sarlu, (2) Mohammad Ugwa @ Sahin Raza (3) Mohammad Chhotu, (4) Mohammad Nazir, after supplying a copy to the prosecution. Case called out. The accused persons along with their learned counsel as well as the learned Spl. P. P appeared. Case called out. The accused persons surrendered before the court and they were taken into judicial custody. 2. The learned defence counsel submitted that in the instant case the next date was 07.09.2022, but the defence was ready to complete the hearing on charge today itself. The learned counsel prayed to recall the date fixed. The learned Spl. P.P Sri A. K. Pandit did not object. With the consent of both the sides, the date is hereby recalled and case is fixed for hearing on charge. 3. The learned Spl. P.P opened the case for prosecution by describing the charge against the accused persons and narrated the evidence proposed to be given to prove the guilt of the accused persons. Also heard the learned defence counsel Sri Nitesh on the point of framing charge. 4. After hearing both sides and on perusal of the record, and other materials available on the record, I am of opinion that there is ground for presuming that the accused persons have committed the offence u/s 323, 341, 504 r/w 34 IPC and section 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST (POA) Act, which are exclusively triable by this court. 5. Accordingly charge has been framed against the above named accused persons for offence u/s 323, 341, 504 r/w 34 IPC and section 3(i)(r), 3(i)(s) and 3(2)(va) of SC/ST (POA) Act and read over to them in Hindi language which they understood, hearing to which they refused to plead guilty and claimed to be tried. The learned Spl. P.P seeks time to produce witnesses and also prays to issue summons to the witnesses. Office is directed to issue summons to the witnesses. Fixed <u>07.09.2022</u> for Prosecution Evidence. Dictated and corrected by  Neeraj Kumar II Additional Sessions Judge I cum- Spl. Judge SC/ST Katihar	
	25.08.22	Later on 1. The learned defence counsel seeks permission to conduct the bail petition which is allowed. 2. Conducting the petition, the learned counsel submitted that no BP or ABP had earlier been filed on behalf of these petitioners either in this court or before any superior court. It was further submitted that	

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Contd. 25.08.22	the petitioners were innocent, committed no offence and falsely been implicated in this case. It was further submitted that no criminal antecedent against these petitioners. It was further submitted that due to lack of knowledge about the cognizance of the case, the petitioners could not appear before the court and NBW issued against the petitioners. It was further submitted that there was first appearance of the petitioners after the cognizance. It was submitted that they had never misused the privilege of bail knowingly and deliberately. It was further submitted that the petitioners were ready to furnish sound and solvent bailors to satisfaction of the court. The learned counsel prayed to enlarge the petitioners on bail. 3. The learned Spl. PP submitted that the informant was informed, but nobody came. The learned counsel opposed the petition and prayed to reject it. 4. Perused the case record. The prosecution case in brief is that on 18.05.2015 accused Sarlu broke into his house with intent to commit theft. The informant raised alarm, but he fled away. On 20.05.2015 at about 08:00 AM the petitioners entered into the informant's courtyard and verbally abused him calling his caste names and filthy words. The informant along with his brother and sister in law were assaulted by the accused persons. Chhotu took Rs. 5000/- kept underneath the bed. The accused persons threatened the informants side of setting ablaze if any case would be filed. 5. All offences except the offences under SC/ST Act are bailable. Except the informant, other witnesses made a general and omnibus statement against all the accused persons. The case is about seven years old. Charge has already been framed against these petitioners today. 6. In 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, with the condition that one of the bailor shall be close relative of the petitioners, and 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 not, in any manner, tamper with the evidence and dissuade the witnesses who are conversant with the fact of the case to disclose it at proper forum. Dictated and corrected by  Neeraj Kumar II Additional Sessions Judge I cum- Spl. Judge SC/ST Katihar
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