

In the Court of Additional Sessions Judge-1st-Cum Spl Judge of SC/ST Act,

Sheikhpura

SC/ST No. 11 of 2023

(Arising out of Ariari (Kasar) P. S. Case No. 01/2023)

State

Vs.

Fantus Kumar & Ors.

23.09.2024

Bail petition filed on behalf of the custody accused-petitioner namely Fantus Kumar on 21.09.2024 has been pressed today in connection with SC/ST . No. 11/2023 . A copy of this bail petition has already been served to the learned Spl.P. P. for the State.

Heard the learned counsel of the petitioner, as well as, Learned Spl. P. P for the state.

The learned lawyer for the accused-petitioner has submitted that the petitioner is innocent and he has not committed any offence as alleged. The petitioner was granted bail and cognizance has been taken U/ss 341, 323, 354 (B), 379, 504, 506/34 I.P.C and Section 3 (1)(r)(s) (w), 3 (2) (va) of SC/ST Act and the case record is pending for framing of charge but petitioner could not appear before the court, as a result of which his bail bond has been cancelled and process of NBW was issued against the petitioner. The petitioner has gone for his livelihood to Panipat for his livelihood. He has not misused the privilege of bail intentionally and knowingly. He has further submitted that the petitioner is under taking here, as well as, assure to the court that he will not commit such type of mistake again in future. He has further submitted that his bail petition has been cancelled on 01.09.2024 and since then he is in judicial custody. The petitioner is ready to obey each and every direction of this court and also ready to furnish fresh bail bond to the satisfaction of this learned court .

On the other hand, the learned Spl. P.P. did not controvert the submission of the learned defence lawyer and has submitted that petitioner is ready to give undertaking that he will co-operate in trial.

I have heard the rival submission of both the parties and perused the case record. The case record is running at the stage of framing of charge but the accused petitioner did not appear before the court. The petitioner was on bail but due to his non physical appearance/ non pairvi in the court, the bail bond of the petitioner was cancelled on 05.07.2024 and the process of N.B.W was issued on 30.07.2024 against the petitioner for his appearance. Accordingly, I find that this is a case of misuse of privilege of bail and the accused petitioner is in judicial custody since 01.09.2024 and he is ready to give an undertaking that he will co-operate in trial.

2.

SC/ST No. 11 of 2023

23.09.2024

Considering the facts and circumstances of the case, submissions made by the parties and period of judicial custody, I think it will be proper to release the accused-petitioner namely Fantus Kumar on bail after furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of this court, with conditions that (1) The petitioner accused will co-operate in trial , (2) The petitioner shall physically present till framing of charge and (3) It is further ordered that petitioner shall be represented through his learned counsel on each and every date fixed by the court and shall remain physically present as directed by this court

(Dictated)


Additional Sessions Judge-Ist-
Cum-Spl Court of SC/ST Act

Sheikhpura

23.09.2024