

In the Court of 1st Addl. Sessions Judge Cum Spl. Judge S.C./S.T. (POA) Act, Sitamarhi

Sursand P.S. case no.- 167/2020

03-01-2022

This bail petition filed on behalf of the accused petitioner Ravishankar Thakur, S/o- Premshankar Thakur, r/o- Vill. - Radhaur, P.S.- Sursand, Distt. - Sitamarhi, who has been remanded in this case Sursand P.S. Case No.- 167/2020 registered u/s 341, 504, 506 of I.P.C. and section 3(i)(r)(s) S.C./S.T. (POA) Act on 18.12.2021 has been put up for hearing today.

Heard Sri Vimal Shukla, learned counsel for the petitioner and the learned Special P.P. for the State.

The prosecution story, in brief, is that the present case Sursand P.S. Case No.- 167/2020 has been registered upon the written report of the informant Kanti Devi submitted before Station House Officer, P.S., Sursand on 16.06.2020 alleging therein that on 24.04.2020, Premshankar Thakur came at ward no.- 9 and started gathering crowd by telling the public that he will provide them Rs. 1,000/- on pretext of 'Ration Card' upon which her son Gautam Kumar asked him not to assembled the crowd due to imposition of lock-down and they have to maintain social distancing. Upon this Ravishankar Thakur, who is dealer of Public Distribution System of ward no. - 13 and 14 got furious and he is started abusing her son and family by calling out caste name and other abusive words and he also abused them on face book and threatened to kill them. Upon this her son sent the face book details to Administrative Officers and Women Commission. Her son Gautam Kumar's mobile number is 9523949033. Ravishankar Thakur's mobile number is 7050862000, through which the face book incident took place. She further alleges that Ravishankar Thakur had abused her by calling her caste name and the persons, who had commented and liked the face book post has also insulted her, which could be verified by procuring face book details.

The learned counsel for the petitioner has submitted that A.B.P. No.- 1500/2020 has been filed on behalf of the petitioner, which was rejected vide order dated 04.11.2020. Thereafter, petitioner moved the Hon'ble Court, Patna vide Cr. Appeal (SJ) No.-722/2021, which was rejected by Hon'ble Court on 30.06.2021. No other bail petition has been filed on behalf of the petitioner either before this court or the Hon'ble High Court, Patna. It has been further submitted that petitioner is innocent and has not committed any offence and he has been falsely implicated in this case due to dirty village politics. In reality, the petitioner is dealer of Public Distribution System of village Radhaur and the informant was the Mukhiya of Radhaur gram panchayat and she use to demand money from the petitioner illegally, which was opposed by him and due to this grudge, she implicated him in this false case. It is false to say that the petitioner abused and threatened the informant on face book as someone else had made his fake ID and posted those comments. The sections of I.P.C. under which the instant case has been lodged are bailable and no case under S.C./S.T. (POA) Act is made out against the petitioner. It has been

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further submitted that the petitioner is accused in (i) Sitamarhi P.S. case no.- 51/2018, (ii) Sursand P.S. case no.- 54/2020, u/s 341, 323, 504, 506, 353, 379, 34 of I.P.C., (iii) Sursand P.S. case no.- 131/200 registered u/s 7 EC Act, (iv) Sursand P.S. case no.- 156/2020 registered u/s 341, 323, 504, 506, 354/34 of I.P.C., (v) Sursand P.S. case no.- 240/2021 registered u/s 341, 323, 325, 307, 379, 427, 504, 506/34 of I.P.C. and in all the aforesaid five cases, the petitioner is on bail. It has been further submitted that petitioner is a accused in Sursand P.S. case no.- 302/2020, which has been lodged by informant's husband. The petitioner has been elected as Mukhiya of Radhwar Gram Panchayat. Thus, he prays to release the petitioner on bail.

The learned Special P.P. opposed the prayer for bail of the petitioner and submitted that petitioner has criminal history in as many as six other criminal cases, out of which Sursand P.S. case no.- 302/2020 has been lodged by Bechan Baitha, who happens to be the husband of the informant of the instant case. The anticipatory bail petition of the petitioner has been rejected by the Hon'ble Court vide Criminal Appeal No.- 722/2021 on 30.06.2021, having regard to this fact that the petitioner was earlier made accused in cases of similar nature.

Perused the attested photo copy of the case diary. It appears that in para- 2, the informant in her re-statement and witnesses in para- 5 and 6 have supported the prosecution case. From perusal of para-22 and 62, it appears that petitioner has criminal antecedent and he is accused in (i) Sursand P.S. case no.- 54/2020, (ii) Sursand P.S. case no.- 131/2020, (iii) Sursand P.S. case no.- 156/2020, (iv) S.C./S.T. P.S. case no.- 51/02018 registered u/s 3(1)(s) of S.C./S.T. (POA) Act, (v) Sursand P.S. case no.- 302/2020, registered u/s 341, 323, 504, 506, 427, 379, 307/34 of I.P.C. and u/s 3(1)(r)(s) of S.C./S.T. (POA) Act and (vi) Sursand P.S. case no.- 248/2021 registered u/s 341, 323, 325, 307, 379, 427, 504, 506/34 of I.P.C. From perusal of para-65, it appears that the petitioner has surrendered before this court in connection with Sursand P.S. case no.- 302/2020 on 01.12.2021. From perusal of para-70, it appears that the investigation of this case is still going on.

Under such facts and circumstances of the case as discussed above, having regard to six criminal antecedents of the petitioner, I am not inclined to release the petitioner on bail. Accordingly, his prayer for bail is hereby, rejected.

Dictated


1st Addl. Sessions Judge cum
Spl. Judge S.C./S.T.(POA) Act
Sitamarhi