

Belsand P.S. case no. - 82/2021

11-01-2022

This bail petition filed on behalf of the accused petitioner namely, Vishal Rai s/o- Brijnandan Rai, r/o- Patahi, ward no.-1, Belsand, Distt.- Sitamarhi, who is in custody since 02.12.2021 in connection with Belsand P.S. case no.- 82/2021 registered u/ ss 341, 323, 324, 354, 504, 506/34 of I.P.C. and section 3(1)(r)(s) of S.C./S.T. (POA) Act has been put up for hearing today.

Heard Sri Amar Kumar Mishra, learned counsel for the petitioner and Special P.P. for the State.

The prosecution story in brief, is that Belsand P.S. Case No. 82/2021, was registered upon the written report of the informant Geeta Devi, submitted before the Station House Officer, Belsand P.S., alleging therein that on 27.07.2021 at 04.00 P.M., the accused named in the F.I.R. came at her 'Darwaja' armed with weapons and abused her by calling out her caste name and by using filthy words and then they caught her hair, dragged and assaulted her with fists, kicks, lathi and danda. When her husband came in her rescue, Lalu Rai slashed a knife on his neck with intention to kill which injured the informant's head and she fell down and got unconscious. Few villagers gathered and saved their life. Vishal Kumar had gun in his hand and he threatened to kill them and he was in drunken state. She brought her husband to P.H.C., Belsand where he was treated. The reason behind the occurrence is that, she did inter caste marriage.

Learned counsel for the petitioner submitted that the petitioner is innocent and have committed no offence. Anticipatory bail petition No. 1838/2021 has been filed on behalf of the petitioner in which informant has filed the compromise and permission petition, which was rejected on 06.10.2021. Thereafter, No other bail petition has been filed on behalf of the petitioner either before this court or before the Hon'ble High Court, Patna. It is totally false to say that petitioner assaulted the informant or his husband or that he had gun in his hand and was inebriated state. From perusal of the F.I.R., it is evident that informant and the petitioner is from the same family and due to some dispute between the children, informant Geeta Devi and her husband badly assaulted the informant's son and also try to outrage the modesty of the informant, for which Belsand P.S. case no.- 83/21 has been lodged. The petitioner has no criminal antecedent. Thus, he prays to release the petitioner on bail.

The learned Special P.P. and the learned counsel for the informant opposed the prayer for bail of the petitioner.

Perused the photo copy of the case-diary. It appears that in para 4 the informant in her re-statement and the witnesses in para- 5, and 6, of the case-

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diary have supported the prosecution case. From perusal of para- 15, which mentions supervision note of the S.D.P.O., Belsand, it appears that and the case has been found true against the petitioner Vishal Ram and co-accused Sogarath Rai, Masu Rain and Binod Rai u/s. 341, 323, 324, 354, 504, 506/34 I.P.C. and u/s. 3(1)(r)(s)/3(2)(Va) of S.C./S.T. (POA) Act and the case was not found true against the remaining co-accused namely, Rohan Rai, Lalu Rai and Bechan Rai. From perusal of para-21, which mentions the injury report of Anuj Kumar Rai, it appears that he sustained sharp cut injury cause by sharp object and pain on the left leg and hand, cause by hard and blunt object and both the injuries were simple in nature. In para-22, which mentions the injury report of Geeta Devi and she sustained pain in hand and leg and swelling on upper right and left arm and the injuries were simple in nature. The witnesses in para-65 and 66, had though partially supported the prosecution case but they have stated that Rohan Rai, Bechan Rai and Lalu Rai were not involved in the occurrence. The witnesses have not stated that either the petitioner Vishal Kumar had gun in his hand or he was in inebriated state. Though, it had been alleged that informant sustained knife injury on her head inflicted by accused Lalu Rai but from perusal of para-22 of the case diary, it appears that only injuries found on her person was pain and swelling on hand, arm and leg and injuries were simple in nature. In para-71, criminal history of the petitioner is mentioned and it has been stated therein that he has no criminal antecedent. The petitioner is in custody since, 02.12.2021.

Under such facts and circumstances of the case as discussed above, considering the period of detention of the petitioner and having regard to the fact that the petitioner has no criminal antecedent, the petitioner is directed to released on bail by furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each.

Dictated


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