

In the Court of Addl. Sessions Judge, 1st, Khagaria.
Mansi P.S. 327/2022
Hemant Kumar @ Budhan Yadav Versus State of Bihar.
19.10.2022

Surrender-cum-bail petition filed on behalf of accused Hemant Kumar @ Budhan Yadav in connection with Mansi P.S. Case No. 327/2022 u/s 341,323,379,427,504,506,307/34 I.P.C. u/s 27 Arms Act u/s 3(1)(r), 3(2)Va SC/ST Act is pressed by learned Lawyer for accused.

Accused surrendered before court and taken under judicial custody.

It is submitted by learned Lawyer for accused that petitioner is innocent and has not committed any offence whatsoever and has falsely been implicated in this case. There is no previous criminal history against the petitioner. No case u/s 307,379 I.P.C. is made out against the petitioner and rest sections of I.P.C. are bailable in nature. During investigation section 307 I.P.C. is found false and allegation of section 379 I.P.C. became doubtful and none have seen the occurrence and there is no specific allegation to assault and injury found on the person of informant is simple in nature. There is a case and counter case. Accused may be allowed bail.

Ld. Spl. P.P. opposed the prayer for bail.

The prosecution case, in short, is that on 12.09.2022 in the night informant was going to close his tea shop and in the meantime petitioners accused and others came at his tea shop, abused and assaulted him, on opposed by informant all the accused persons ransacked the shop and pointed pistol on informant and took rupees five thousand from the box and issued threat to kill if case is lodged and made 20-25 firing.

Perused the record, case diary up to para 15 is available on the record. P.O. has been mentioned at para 9 of the case diary, in which, the I.O. of the case has not mentioned that any empty cartridges or marks of firing were found at the P.O. or that the alleged tea shop was ransacked. It is completely clear from the application of the informant itself that no one

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has sustained any injury, while as per informant, 20-25 firing was made there. As well as, there is no any allegation of abuse by calling caste name.

Considering the facts and circumstances of the case, submissions of the parties, the prayer of bail of accused Hemant Kumar @ Budhan Yadav is allowed provisionally till 22.10.2022 and accused Hemant Kumar @ Budhan Yadav is directed to be released from judicial custody on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of like amount each to the satisfaction of the court. Further Ld. Spl. P.P. is directed to produced updated case diary and criminal history of the petitioner till next date and also inform to the informant.

Sd/-

Addl. Sess. Judge 1st-cum
Spl. Judge SC/ST Act Khagaria