

Court of District & Sessions Judge, Buxar

A.B.P. No.998/2019

Bhuar Ram

Versus

State

Ld. Advocate for the Prosecution: Sri N.G. Pd., P.P.

Ld. Advocate for the Defence: Sri Jai Ram Singh

18-09-2019

Pending Pre arrest Bail Petition dated

17.09.2019 filed on behalf of petitioner namely **Bhuar Ram** who apprehends his arrest in connection with **Rajpur P.S. Case No.191/2019** u/s 341, 323, 354(A), 354(B), 504, 506/34 I.P.C. is put up & moved today.

Copy of bail petition has already been served to the learned P.P. for the Prosecution.

Heard learned Counsel for the petitioner & learned P.P. for the State on the point of pre arrest bail.

Learned Counsel for the petitioner submitted that earlier no any bail petition has been filed on behalf of the petitioner in this matter before this learned Court or before Hon'ble High Court nor is pending before any other Court.

Ld. Counsel for petitioner also submitted that petitioner is innocent, has committed no offence as alleged & has been falsely implicated in this case. Informant is aunty of the petitioner & their houses belong to nearby. Altercation has been made with children in which informant's side assaulted with the petitioner's side. There is Case & Counter Case in between the parties. There is no independent witness of alleged occurrence. Co-accused persons have been granted bail by learned Court of A.C.J.M. 03rd, Buxar. No Case u/s 354(A) & 354(B) is made out against the petitioner. He further submitted that good Sense has been prevailed amongst the parties &

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18.09.2019 Compromise has been filed in the learned Court below. Certified Copy of Compromise Petition has been filed in this A.B.P.. Petitioner has no criminal antecedent. Therefore, petitioner be allowed on pre arrest bail.

Ld. P.P. for the State opposed the aforesaid Bail Petition & prayed to reject the prayer for pre arrest bail of the petitioner.

As per an F.I.R. prosecution Case in inter alia is that on 20.08.2019 at about 4 P.M. in the evening Bhuar Ram by stealth keeping his leg silent entered in the house of Munni Devi, informant & seeing alone by catching her hand tried to took away from court yard to room with bad intention. She protested hardly but even then he forcefully took away in the room and closed her by his hands and started stroking to her breast. She made hulla loudly & cried then her son namely Shrawan Kumar Ram came there running from the house of her Devar. When her son was entering in the house then seeing him Bhuar Ram started fleeing. Her son tried to catch him but he drove him & fled away. Thereafter, his three sons namely Sachin Ram, Dharmendra Ram, Neeraj Ram & wife Basanti Devi and his elder brother Bashistah Ram lashed with lathi, danda came there & assaulted them resulted which she and her son sustained graver injury. Till then, nearby people Vishwamitra Ram, Deepak Ram & Ratan Ram came there & pacified the matter and saved their live. They abused her & threatened to kill them went from there.

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From perusal of the Case Record it appears that petitioner has filed Certified Copy of Compromise Petition in this Case. Injured persons not appeared.

Hence, considering the above facts & circumstances of the Case, nature of allegation leveled against the petitioner & material available on the record, petitioner does not deserve for anticipatory bail. Hence, such anticipatory bail of the petitioner stands disposed of with direction to surrender in the learned Court below within 15 days & seek regular bail which shall be disposed of without being prejudiced by this Order considering the matter of Compromise in **Rajpur P.S. Case No.191/2019.**

Dictated

Sd/-H. Nath

Sess. Judge.