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In the Court of Additional District & Sessions Judge, 1st, Sheohar
A.B.P.No.-305/15

12-01-2016

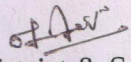
Anticipatory bail application has been filed on the behalf of Shambhu Singh, Amresh Singh and Nitesh Singh (actual name Prabhu Singh) in Sheohar P.S. Case No. 32/15, u/s-341, 323, 324, 354, 379, 436, 448, 504, 506/34 I.P.C. and section 3(1)(x) SC/ST (Prevention of Atrocities) Act.

Allegation as set up by informant Meera Devi, inter-alia, in brief is that on 22-11-15 she was cooking meal with his family members and in the mean time Shambhu Singh, Amresh Singh and Ram Pravesh Singh entered in to the house and abused and assaulted the family members. The son of informant who was also seating their was carried by the accused persons outside the house and accused on throwing him on earth badly assaulted with leg and fat and when she, informant, run to save her son, accused persons also throw her on earth on pulling her hair. The accused abused 'Vosary, Harami, Harijan, Madarchod' and assaulted. Ram Pravesh Singh on pulling her taken towards river and attempted to cut her finger by knife, but she was saved on arrival on villagers. It has also been alleged that accused set-fire to the house of informant and threw the goods of the house and also taken away money and ornaments from the box. The reason of the said occurrence as assigned is Govt. land which is allotted to the informant and accused claim over it.

The learned counsel for the petitioner has submitted that section 379, 436, 354 I.P.C. and sections 3(1)(x)SC/ST (Prevention of Atrocities) Act has been added to make the case non-bailable, the place of occurrence is not public place and the word used by accused is not for the public view, so section 3(1)(x)SC/ST (Prevention of Atrocities) Act is not attracted. The land of R.S.P.No.679, area 99 dismal is khatiyani land of accused persons and informant encroached over forcibly. It has also been stated that land dispute case No. 43/12-13 has been filed by Shambhu Singh and the Court of D.C.L.R. directed to vacate the land and on the day of occurrence family members of the informant started new construction over the same land and on oppose by Shambhu Singh this false case has been brought against the petitioner. It has also been stated that there is no specific allegation against the petitioners and there is also counter case. Petitioners are in apprehension of arrest by police, hence they be released on bail.

The learned P.P. opposed the prayer of bail and has stated that in Paragraph No. 5,6,7,8,9,10 there are ample evidence against the petitioners and in Paragraph No. 33 of the case diary, case was found true and there are also injury report. It has also been stated that in the background of the evidence Anticipatory-Bail is not maintainable u/s-18 of the SC/ST(Prevention of Atrocities)Act and hence petition of petitioner be rejected.

Heard the learned counsel of the both side. In Paragraph No. 5 of the case diary and also in Paragraph No. ,6,7,8 and 9 it has come that accused assaulted to son of informant, informant and abused the informant by cast name and in Paragraph No. 10 of case diary, burned house of the informant was found by the I.O. on P.O. Considering the allegation so set and the material elements discovered in the case diary, in my view, petitioners do not deserve to enjoy the privilege of Anticipatory-Bail and accordingly this bail application of the petitioners, as named above, is here by rejected.


Additional District & Sessions Judge, 1st
Sheohar.