

PAGE 1
IN THE COURT OF ADDITIONAL SESSIONS JUDGE- X, AURANGABAD
BAIL APPLICATION No.- 1209/2022
Arising Out of Daudnagar P.S. Case No. 137 of 2020

Sidheshwar Singh

Petitioner

The State of Bihar

Opposite party

Vs.
C.I.S. Reg. No. 1209/2022

Sr. No.	Date	Order with signature of the Court	Office Action/s taken with Date
	18.10.2022	IN THE MATTER OF :- Sidheshwar Singh, aged about 50 years, S/o Late Deochand Singh. Resident of Vill.-Imamganj, PS- Daudnagar, Distt.-Aurangabad (Bihar) Petitioner Versus The State of BiharOpposite Party Ld. Counsel for the Petitioner : Sri Kamla Pd. Singh, Ld. Advocate Ld. Counsel for the O. P. (State): Sri Rajeshwar Mehta Learned A.P.P. <u>ORDER</u> The record has been placed before me for orders. This bail application has been preferred by petitioner Sidheshwar Singh, in connection with Daudnagar P.S. Case No. 137/2020 dated 22.05.2020, pending before the Court of Learned SDJM., Daudnagar Aurangabad. This record has been transferred to this Court, <i>vide</i> order dated 11.10.2022 of Ld. District and Sessions Judge, Aurangabad, for hearing and disposal. The petitioner is in custody in this case since 25.08.2022 and his bail petition was rejected <i>vide</i>. order dated 30.09.2022 of the Learned SDJM, Daudnagar, Aurangabad. In the course of hearing of this bail petition, the case diary was called for and the same has been received and available for perusal of this Court. Upon being pressed, the matter is heard today. Heard; Sri Kamla Pd. Singh, the Learned Advocate for the petitioner and Sri Rajeshwar Mehta , Learned A.P.P. for the State. This Daudnagar P.S. Case No. 137/2020 dated 22.05.2020, has been registered for the offences punishable under Section- 341, 323, 307, 379, 354/34 of IPC against five named accused persons. As per the written petition of the informant Arvind Kumar the Long and short of the prosecution story is that on 18.05.2020 at 12:40 PM accused petitioner along with four named co-accused persons started abusing and assaulted on his head with <i>lathi</i>. He further stated that accused persons tried to outrage the modesty of his cousin <i>Bhabhi</i> and torn her blouse and snatched her gold chain also. It is further alleged that Siddheshwar Singh, Vijay Singh and Manoj Singh were dragging him to their house, meanwhile, Malti Devi raised <i>hulla</i>, then the nearby people came and saved him. Hence, this case has been registered. The Ld. Advocate for the petitioner has submitted that the instant case has been falsely registered against the petitioner. The petitioner has not moved any anticipatory or regular bail before the Hon'ble High Court. A regular bail i.e. BP No. 1008/2022 has been rejected by ADJ-X <i>vide</i> order 15.09.2022. The accused petitioner is named in Daudnagar PS case no. 149/2022. It is further submitted that petitioner is innocent and he is has been falsely implicated in this case. There is the counter case between the parties. The informant Arbind Kumar is a blind man and illiterate person and he has not seen the occurrence. The injury sustained by the informant is simple in nature. The informant and his Bhabhi Malti Devi have compromised this case with a happy consent and compromise petition is being filed separately along with this bail petition. The accused petitioner is languishing in jail	

PAGE 2
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Contd..... 18.10.2022	custody since 25.08.2022. Further, it is submitted that there is no chance of absconding of the accused or tampering with the evidence. The petitioner is ready to abide by the terms and conditions of bail. Hence, prayed to enlarge the petitioner on bail. Ld. A.P.P. appeared on behalf of the state and submitted that the accused petitioner tried to outrage the modesty of a woman and dragged informant on the ground and this is very serious nature of crime. Hence, prayed to reject the bail petition. Heard; the Ld. Advocates of the parties and perused the FIR and case diary. This Daudnagar P.S. Case No. 137/2020 dated 22.05.2020 has been registered for the offences punishable under Section- 341, 323, 307, 379, 354/34 of IPC against five named accused persons. From the bare perusal of the FIR, it is quite clear that petitioner is named in the FIR. A compromise petition has been filed stating therein that the case has been compromised between the parties and harmonious relationship established between the parties. The informant is present before this court and he is a blind person. The counter case has also been compromised. It has been stated by the informant of this case that he has not sustained any serious injury and both the cases have been compromised between the parties and harmonious relationship has been established. Perusal of the injury report and supplementary injury report dated 22.07.2020 goes to show that the nature of injury of alleged victim Arvind Kumar has been found as Simple. The accused petitioner is languishing in jail custody since 25.08.2022. Considering, the facts and circumstances of this case as discussed above as well as the period of custody undergone by the petitioner, the bail application filed on behalf of accused-petitioner Sidheshwar Singh is hereby allowed. The petitioner is directed to be enlarged on bail, upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the Learned Trial Court. Therefore, this bail petition filed on behalf of accused-petitioner is accordingly hereby disposed of. (The order is dictated, and corrected by me.) (Ratneshwar Kumar Singh) A.D.J.- X, Aurangabad Dated:- 18.10.2022 (Ratneshwar Kumar Singh) A.D.J.- X, Aurangabad Dated:- 18.10.2022 Memo No. Dtaed 18.10.2022 Copy forwarded to the Court of Learned S.DJ.M., Daudnagar, Aurangabad for needful. (Ratneshwar Kumar Singh) A.D.J.- X, Aurangabad Dated:- 18.10.2022	