

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41793 of 2015

Arising Out of PS.Case No. -218 Year- 2014 Thana -BENIPATTI District- MADHUBANI

1. Radhe Shyam Mishra Son of Ram Briksh Mishra
2. Punam Devi @ Punam Mishra, W/o Sri Radhe Shyam Mishra
Both resident of village - Barari, Police Station - Benipatti, District -
Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. C. Jawahar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-12-2015

Heard both sides.

The petitioners, Radhe Shyam Mishra and Punam Devi @ Punam Mishra, apprehend their arrest in a case under Sections 341, 324, 326(B)/34 of the Indian Penal Code.

The informant alleged that the petitioner no. 1 along with his wife and son came and asked his father to distribute the lands. When his father Ram Briksha Mishra disclosed that after his death the lands would be distributed, the petitioner threw conc acid on Ram Briksha Mishra, the father of the informant, and also on the informant causing burn injuries on different parts of their bodies. Learned counsel for the petitioners submits that there is a counter-version being Benipatti P.S. Case No. 217/2014 in which Punam Mishra, the wife of the petitioner no. 1, alleged that

Shambhu Mishra, the informant, made an attempt to outrage her modesty and also threw conc acid. It is submitted that from the perusal of the injury report, it would appear that the injuries found on the persons of Ram Briksha Mishra and Shambhu Mishra are simple in nature although caused by acid/chemical.

On the other hand, learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail and submitted that there is a specific allegation of throwing acid against the petitioners. The police, after investigation, found the allegation made by Punam Mishra against the informant in Benipatti P.S. Case No. 117/2014 false and only case under Section 323 was found true.

Having considered the fact aforesaid and the fact that there is a specific allegation that the petitioners threw conc acid causing burn injuries on the persons of the informant and his father, I am not inclined to enlarge the petitioners on anticipatory bail in Benipatti P.S. Case No. 218 of 2014, corresponding to G.R. No. 3437/2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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