

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17013 of 2016

Arising Out of PS.Case No. -261 Year- 2015 Thana -BIHIYA District- BHOJPUR

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Abhay Kumar, son of Sri Amar Nath Prasad, resident of village + P.O.-
Benwaliya (in FIR named as Belwania), P.S.- Bihiya, District- Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate

For the Opposite Party : Mr. Anil Prasad Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 23-06-2016

Heard learned counsel for the petitioner and

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Bihiya PS case no. 261/2015 registered for the offences
punishable under Sections 452, 326(A)/34 of the Indian
Penal Code.

Allegedly due to land dispute, the eight
F.I.R. named accused persons including the petitioner
threw acid causing injury to the informant, his daughter
and his wife and further two unknown miscreants were
also involved in the crime. The condition of the daughter

of the informant is serious.

Submission is of false implication and that admittedly there is land dispute and a Title suit no. 184/1994 is going on in the Court of Munsif-III Ara wherein the father of the petitioner is defendant no. 6, during investigation several witnesses have stated that Jai Kishore Yadav used to tease the daughter of the informant and when it was protested he has caused threats, thus witnesses have stated regarding the involvement of Jai Kishore Yadav in the crime and false implication of the petitioner and others due to land dispute.

Learned defence counsel has referred paras 8, 9 and 10 of the case diary besides other paras.

Learned A.P.P. submits that the petitioner is named in the first information report and the daughter of the informant has received 40% acid burn injury.

In the facts and circumstances stated above considering that charge-sheet has already been submitted and there is no chance of tampering the prosecution

evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Ara arising out of Bihiya PS case no. 261/2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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