

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54360 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -GOGRI District- KHAGARIA

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Kaishar Alam, Son of Zakir Hussain, Resident of Village - Rahmatpur
(Maraiya), Police Station - Parbatta (Maraiya O.P.), District Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party : Mr. Md. Ashlam Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Gogri
P.S Case No. 116 of 2016 registered for the offences punishable
under Section 326(A)/307 of the Indian Penal Code.

Allegedly, some boy sprinkled acid upon the
informant, as a result of which she felt burning and raised alarm
upon which his brother woke up and chased that boy who
managed to escape and her brother identified him to be the
petitioner in the light of mobile.

Submission is of false implication and that source of
identification which is mobile light is very weak and it is not
believable that the petitioner will be identified correctly. The



petitioner has been made victim of mis-identification. The petitioner is resident of different places. Muskan Kumari who was sleeping with the informant has not sustained any injury and how two other children namely, Ankush Kumar and Sonu Kumar have sustained injury has not been stated in the First Information Report. The petitioner without any fault is suffering in custody since 28.07.2016, the petitioner was working in the garage of Prakash Sharma and with him earlier the land dispute between the parties and for that he has been implicated. The informant has received injury which is simple in nature. The burn has been stated up to 9% only and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Brajesh Kuamr, learned Judicial Magistrate, Khagaria, in connection with Gogri P.S. Case No. 116 of 2016, subject to the conditions that one of the bailors must be a 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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