

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47813 of 2016

Arising Out of PS.Case No. -165 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

1. Shyam Rai S/o late Baidya Nath Rai
2. Rambhu Rai@Ram Babu Rai Son of late Baidyanath Rai
Both Resident of Village- Narha Dheb Tola, P.S. Majorganj, District
Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 28-11-2016 Heard the counsel for the petitioners and the APP for
the State.

The petitioners along with others are cited accused of
Majorganj P.S. Case No. 165 of 2015, registered under Sections
341, 323, 326(A), 307, 379, 504 and 506/34 of the Indian Penal
Code.

It is alleged that while the husband of the informant
was returning home, petitioner no. 1 intercepted him. On
protest, petitioner no. 1 tried to inflict knife blow. In the
meantime, petitioner no. 2 threw acid on the face of the
husband of the informant causing serious injuries inasmuch as
his two eyes severely damaged.

The contention of the petitioners is that there is a counter version in the shape of Annexure-2. The allegation of throwing acid is attributed to the petitioner no. 2 and not petitioner no. 1. Both, although, have no criminal antecedent.

The APP opposes the prayer of bail and submits with reference to the allegation made in the F.I.R. that both the petitioners were present and one of them threw acid on the face of the husband of the informant which caused serious damage to his eyes.

Counsel for the petitioners submits that at least one petitioner against whom there is no allegation of throwing acid should be granted the privilege of anticipatory bail.

In my view, it is not a fit case for grant of anticipatory bail. Prayer is rejected. The petitioners are directed to surrender before the court below and seek regular bail, which shall be considered and disposed of on its own merit in accordance with law.

(Kishore Kumar Mandal, J)

ajaypd./-

U		T	
---	--	---	--