

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39028 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Kundan Kumar,
2. Ranjan Kumar,
Both sons of Manoj Sah @ Manoj Kumar, Resident of Village- Ratanpura,
P.S.- Bhagwanpur, Dist- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.
For the Opposite Party No. 2 : Mr. Niraj Kumar, Advocate.
For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-09-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Bhagwanpur
P.S. Case No. 124 of 2017 instituted for the offence under
Sections 447, 341, 323, 324, 326(A), 504, 385, 379 and 34 of the
Indian Penal Code.

It has been submitted on behalf of the petitioners that
there is case and counter case between the parties.

In the written report there is specific allegation against
petitioner No. 1 of causing acid injury to Raja Babu and against
petitioner No. 2 of assaulting Manohar Sah on his head with *lathi*.

Case diary has been received.



The injury report of both the injured are available in the case diary wherein the Doctor has found lacerated wound on the forehead size 1 1/2" x 1/2" muscle deep and the opinion has been kept reserved. The doctor has found acid burn injury on the head of Raja Babu and the patient was referred to Sadar Hospital. The opinion with regard to the injury has been kept reserved.

Learned counsel for the petitioners has submitted that petitioner No. 2 Ranjan Kumar has lodged Bhagwanpur P.S. Case No. 125 of 2017 against the informant and others to save the skin.

The instant case has been lodged against both the petitioners as a counter blast of Bhagwanpur P.S. Case No. 125 of 2017 in which both the petitioners have sustained serious injury caused by acid which was found to be grievous in nature. The injury report of Kundan Kumar and Ranjan Kumar has been annexed as Annexure-3 series wherein the Doctor has found the injury on the person of the injured by throwing acid which was found to be grievous in nature.

In the instant case the allegation against Ranjan Kumar is of assaulting Manohar Sah on his head and Doctor has kept the opinion of injury reserved.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner No. 2 namely, Ranjan



Kumar is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with Bhagwanpur P.S. Case No. 124 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIIrd, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

So far as allegation against petitioner No. 1 namely, Kundan Kumar is concerned, there is allegation that he caused burn injury by throwing acid on the person of Raja Babu which gets support from the injury report available in the case diary. Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 1 namely, Kundan Kumar.



Prayer for anticipatory bail of the petitioner No. 1 stands rejected. He may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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