

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61361 of 2017

Arising Out of PS.Case No. -214 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Prem Chandra Sharma S/o Late Nandan Sharma, R/o Village- Lavapur
Mahna, P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Nilesh Kumar
Ms. Babita Kumari

For the Opposite Party/s : Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Mahnar P.S. Case No. 214 of 2017 registered for
the offence punishable under Sections 307, 324 and 34 of the
Indian Penal Code.

The allegation is regarding the petitioner throwing acid
from the roof of his house resulting in chemical burn injury on the
informant of the present case.

The learned counsel for the petitioner submits that
Annexure-3 to the present petition, which is an order passed by the
Sub-Divisional Magistrate, Mahnar dated 31.08.2017, would show



that one Upendra Pandit, with whom the petitioner was having land dispute, had been restrained from going on the Plot No. 841 of the village Lawapur, Mahnar. However, the present FIR is dated 06.09.2017 which has been registered during the existence of the force of the aforesaid order passed by the Sub-Divisional Magistrate. It is further submitted that the case diary would bear it out that the aforesaid Upendra Pandit has stated in his statement before the Police that he was present at the said Plot No. 841 when the incident had taken place, hence it is submitted that in view of the aforesaid restraint order, there was no occasion for the said Upendra Pandit to be there. In sum and substance, it is submitted that the said Upendra Pandit had hired the informant herein who is a veteran criminal for the purposes of grabbing the said plot no. 841 from the petitioner herein. Learned counsel for the petitioner submits that in any view of the matter, the injury is only to the extent of 5 per cent burn and superficial in nature. Lastly, it is contended that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. of 214 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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