

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32665 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- HAJIPUR District- Vaishali

1. NAND KISHORE RAI Son of Jamuna Rai Resident of Village - Purani Gandak Pool Road, Hajipur Town, P.S.- Town Hajipur, Dist.- Vaishali.
2. Lal Babu Rai Son of Jamuna Rai Resident of Village - Purani Gandak Pool Road, Hajipur Town, P.S.- Town Hajipur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 326, 307, 504, 506/34 of the Indian Penal Code registered in connection with Town Hajipur P.S. Case No. 154 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation that petitioner no. 1 threw acid on the informant causing burn injuries. It is submitted that there is admitted land dispute relating to raasta and Title Suit No. 1172 of 2017 is pending before learned Sub Judge VIII, Senior Grade, Vaishali at Hajipur. It is submitted that there is no specific accusation made against the petitioner no. 2. The petitioners are accused in one prior case in which they have been allowed bail.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. Learned APP invites reference to para 22 of the case diary containing injury report of the informant which discloses grievous injury caused by chemical substance and therefore, supports the accusation.



5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The anticipatory bail petition as against him stands dismissed.

6. As regards petitioner no. 2, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Vaishali at Hajipur, in connection with Town Hajipur P.S. Case No. 154 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner no. 2.

ii. That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner no. 2 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner no. 2 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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