

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26369 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. RAM SWAROOP BHAGAT S/o Late Sadal Bhagat Resident of Village-Gausnagar, P.S.-Mahindwara, District-Sitamarhi.
2. Pano Devi W/o Bhuwan Bhagat @ Bhupan Bhagat Resident of Village-Gausnagar, P.S.-Mahindwara, District-Sitamarhi.
3. Raja Kumar S/o Bhuwan Bhagat @ Bhupan Bhagat Resident of Village-Gausnagar, P.S.-Mahindwara, District-Sitamarhi.
4. Rajbir Kumar S/o Bhuwan Bhagat @ Bhupan Bhagat Resident of Village-Gausnagar, P.S.-Mahindwara, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad
For the Opposite Party/s	:	Mr.Ataur Rahman
For the informant	:	Mr. Arun Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2020 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Mahindwara Police Station Case No. 158 of 2019, disclosing offences under Sections 326-A/452/ 307/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioners, along with other co-accused persons, entered into the house of the informant and on the exhortation of co-accused Bhuwan Bhagat @ Bhupan Bhagat, petitioner no. 4 threw acid upon the informant and her daughter



and the daughter of the informant received acid injury on her face. It has further been alleged that petitioner no. 3 fled away from the place of occurrence after firing in the air and all the other co-accused persons threatened the informant that they would kill her.

Learned Counsel for the petitioners submits that both the parties are co-villagers and there is case and counter case between them. He further submits that there is no allegation of assault on petitioner nos. 1, 2 and 3 and the allegation, in the First Information Report, is only against petitioner no. 4 of throwing acid on the informant and her daughter.

On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submits that all accused persons, variously armed, arrived at the house of the informant and petitioner no. 4 threw acid upon the informant and her daughter, due to which the daughter of the informant received burn injuries on her face.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record, I am not inclined to grant the petitioner no. 4, namely, Rajbir Kumar, privilege of anticipatory bail.

This application, so far as petitioner no. 4, namely,



Rajbir Kumar, is concerned, is dismissed.

However, considering the fact that there is no allegation of assault upon the petitioner nos. 1, 2 and 3, they are co-villagers of the informant and there is case and counter case between the parties, I am inclined to grant privilege of anticipatory bail to the petitioner nos. 1, 2 and 3.

This application, so far as petitioner nos. 1, 2 and 3, are concerned, is allowed.

Let the petitioner nos. 1, 2 and 3, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Mahindwara Police Station Case No. 158 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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