

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68072 of 2019**

Arising Out of PS. Case No.-107 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Raja Kumar @ Raja Yadav, Son of Shiv Yadav, Resident of Village - Aliganj
Gangti, P.S.- Mozahidpur (Babarganj), Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Advocate.
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the Informant	:	Mr. Gajanan Mishra, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 24-02-2020 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioner is accused in connection with Mozahidpur (Babarganj) P.S. Case No. 107 of 2019, registered under Sections 307, 457 and 326(A)/34 of the Indian Penal Code and Sections 25(1-b)A/26/35 of the Arms Act and later on, Sections 341, 354, 380, 459 and 302 of the Indian Penal Code has been added, pending in the court of Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Bagalpur.

The accusation is that in the evening of 19.05.2019, informant, Gautam Kumar was at his jewelry shop, situated at Aliganj Gangti Road, his neighbour, Ravi Kuamr came and informed about the incident in the house. Thereafter, informant



proceeded to his house boarding on motorcycle. When he reached at his house then saw that milk was being poured to his daughter Kajal Kumari by neighbourers, who sustained burn injury at her face and waist. On query, his wife Punam Devi disclosed that while she was preparing the meal in the kitchen and daughter, Kajal Kumari, helping her. At that time, two persons came from the roof, out of whom, one was covered his face and another was Prince Kumar. In the meantime, Prince Kumar threw acid at her daughter, Kajal Kumari and on raising alarm, both succeeded to flee away leaving his pistol.

Learned counsel for the petitioner submits that it would appear from the FIR that informant came to know about the incident from his wife, who was present with his daughter in kitchen at the time of occurrence but she did not disclose the name of the petitioner. Later on, the victim, Kajal Kumari, gave her statement recorded under Section 161 Cr.P.C., in which, she disclosed the name of the petitioner and she also gave her similar statement under Section 164 Cr.P.C., as detailed in para 38 of the supplementary case diary, and later on, she died. Further submission is that, in fact, the statement of victim, under Section 161 Cr.P.C., was recorded after four days of the occurrence on the suggestion of the informant, who disclosed



the name of the petitioner with false allegation and petitioner is
in custody since 22.04.2019.

Having considered the facts and circumstances of the
case and the nature of allegation against the petitioner, I am not
inclined to grant bail to the petitioner. Accordingly, his prayer
for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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