

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22737 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- DAUDPUR District- Saran

1. Munna Sah @ Munna Sah Sonar, Son of Ramchandra Sonar, Resident of Village - Jaitpur, Bharwalia, P.S.-Daudpur, Distt.- Saran.
2. Anup Sah, Son of Ramchandra Sonar, Resident of Village - Jaitpur, Bharwalia, P.S.-Daudpur, Distt.- Saran.
3. Tulsi Prasad @ Tulsi Prasad Sah, Son of Ram Das Sah, Resident of Village - Jaitpur, Bharwalia, P.S.-Daudpur, Distt.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 01-10-2021 Perused the report of the learned Joint Registrar (List). The report is accepted in view of the statements made therein that in future no such inconvenience shall be caused and the names of respective learned A.P.Ps. have already been entered.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Daudpur P.S. Case No. 257 of 2020 registered for the offence under Sections 341, 323, 324, 326(A), 307/34 of the Indian Penal Code. Petitioners are in custody since 23.11.2020. They have no criminal antecedent as stated in



paragraph '3' of the present application.

As per the prosecution story, at the instance of petitioner no. 3 namely Tulsi Prasad @ Tulsi Prasad Sah, the petitioner no. 1 & 2 threw acid upon the victims namely Pradeep Pandit and one Sohail Akhtar. The victims sustained acid injury.

Learned counsel for the petitioners submits that there are vague and general kind of allegations against petitioner no. 1 & 2 that they threw acid, however the petitioners have also lodged a complaint case when their police case was not registered and as per them the acid was thrown by the prosecution side.

Learned counsel further submits that the fact that the acids were thrown on the petitioners would be prima-facie evident from the injury reports of these three petitioners, all of whom have suffered acid injury. Petitioner no.1 is said to have suffered three injuries due to acid and has suffered injury on face and neck as well. Petitioner no. 3 is said to be the order giver, however he has also suffered acid injury.

On the other hand, Mr. Akhileshwar Dayal, learned A.P.P. for the State submits that in the case diary the injury reports of the victims Pradeep Pandit and Sohail Akhtar as also the injuries of these petitioners are available. Pradeep Pandit has



suffered three burn injuries whereas Sohail Akhtar has suffered six burn injuries, however learned A.P.P. informs this court that the injuries found on the body of the victims Pradeep Pandit and Sohail Akhtar are reportedly simple in nature. Petitioners have also suffered simple injuries.

Considering the facts and circumstances of the case wherein it seems that both the parties have suffered acid injuries, so far as petitioner no. 3 is concerned, he is said to be the order giver, whereas petitioner no. 1 & 2 are said to have thrown the acid, though the injuries are simple in nature, considering that this is a case of acid attack, this Court is not inclined to release petitioner no. 1 & 2 on bail at this stage.

Prayer for regular bail of petitioner no. 1 & 2 named-above is, thus, refused.

Further considering that both sides have suffered injuries which are simple in nature, this court grants liberty to petitioner no. 1 & 2 to renew their prayer for bail after six months if the trial is not concluded for no reason attributable to the petitioner no. 1 & 2.

So far as petitioner no. 3 is concerned, let petitioner no. 3 named-above be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Daudpur P.S. Case No. 257 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no.3 and in case at any stage it is found that the petitioner no. 3 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 3. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The trial court shall proceed with the trial as early as possible.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

