

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29473 of 2020

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

PRINCE KUMAR, Son of Munna Bhagat @ Munna Kumar Bhagat, Resident
of Mohalla Ganga Vihar Colony, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate.

For the State : Mr. Shyam Kumar Singh, APP.

For the Informant : Mr. Gajanan Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 20-01-2021 Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 307, 457 and 326A/34 of the Indian Penal Code and Section 25(1-B)A, 26 and 35 of the Arms Act. Subsequently, Sections 341, 354, 380, 459 and 302 of the Indian Penal Code and Section 12 POCSO Act were added.

The informant is father of the victim girl. The informant was informed about the occurrence which took place in his house. When he reached his house, his wife Punam Devi already examined as PW-3 in the trial, informed that the petitioner carrying acid threw it on the face of the victim girl causing burn injury on the face and other parts of the body. At



the time of occurrence, three persons covering their face had entered into the house carrying pistol.

The victim, who died subsequently, in her statement under Section 164 Cr.P.C. stated that three persons covering their face had entered into the house from the side of the house of the petitioner who is her neighbour. Two of them had caught her and one threw acid. She stated that reason for occurrence is that along with petitioner three others namely Raja, Manish and Ranjit used to consume ganja on the vacant land of the petitioner and were passing sexual remarks on the victim which was protested by the victim and was the reason for the occurrence. PW-3 who was there at the time of occurrence stated that three to four persons along with revolver entered into her house and poured acid on her daughter. She has not identified those persons, however in the concluding portion stated that petitioner, Raja and their friends have committed the occurrence. The informant who was examined during trial as PW-4 has also supported the occurrence as a hearsay witness.

Learned counsel for the petitioner submits that the petitioner is in custody since 20.04.2019. In the past, prayer for bail was refused on 26.02.2020, though there was no direct allegation against the petitioner in the statement of the victim



girl recorded under Section 164 Cr.P.C. or in the statement of her mother before the police or before the Court. Petitioner is ready to cooperate with the trial.

Learned Counsel for the informant opposed the prayer for bail and submits that the trial is at the verge of conclusion as almost all the prosecution witnesses have already been examined. He further submits that the prosecution evidence is likely to be closed by the end of February 2021.

Since the trial is at the verge of conclusion, I am not inclined to review the earlier order of refusal of prayer for bail. Hence prayer is refused in connection with Mojahidpur (Babarganj) P.S. Case No. 107 of 2019.

Learned trial Judge is directed to conclude the trial within six months failing which the petitioner would be at liberty to renew prayer for bail before the court below itself who shall pass necessary order according to law.

(Birendra Kumar, J)

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