

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38 of 2021

Arising Out of PS. Case No.-311 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

Raja Kumar Son of Mishri Sah Resident of Village - Usri Bagan, P.S.-
Baikunthpur, Distt.- Gopalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 20-05-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 326/307/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

Allegation against the petitioner and co-accused is that they threw Acid on the person of the victim girl. The victim supported the aforesaid allegation before the police.

Learned counsel for the petitioner submits that the occurrence allegedly took place on 04.12.2019 whereas the victim was medically examined on 26.12.2019 and the doctor found the age of the injury within two hours. Assertion of the petitioner is that the victim has not sustained any Acid injury.



On that the victim was noticed. However, in spite of service of notice no one appeared on behalf of Opposite Party No.2 or 3, though the matter was adjourned twice to facilitate their appearance. The petitioner is in custody since 05.12.2019. The charges have already been framed and the trial is proceeding. There is nothing to substantiate that the petitioner is going to tamper with the evidence.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Baikunthpur P.S. Case No.311 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

However, it is made clear that if the Court-below



**would find sign of burn injury on the person of the victim
it would be a ground of cancellation of bail of the
petitioner by the Court-below itself.**

(Birendra Kumar, J)

Mkr./-

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