

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82780 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- AMARPUR District- Banka

Md. Aslam @ Aslam @ Shuku @ Md. Shuku Son Of Md. Mokam @ Mokim
@ Md. Mokim Shaikh Resident Of Village - Mahgama, P.S.- Amarpur,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 16-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Amarpur P.S. Case No. 80 of 2019 registered for the offence punishable under Sections 324, 326A and 307/34 of the Indian Penal Code. Charge sheet has been filed under Section 302/34 of the I.P.C, dated 30.06.2019.

As per the prosecution case, allegation against the petitioner is that petitioner along with other accused person had



thrown acid on the face of informant due to which informant got injured and her eight months daughter and her son aged about three and a half year, they also got injured. Later on in the course of treatment informant and her son died.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that charge sheet has been filed against the petitioner in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail petition and has been languishing in custody since 27.02.2019.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt act against the petitioner of throwing acid on the informant, her daughter and son aged about 3 ½ years due to which informant and her son died during the course of their treatment.

In the facts and circumstances of the case and the fact that there is a specific overt act against the petitioner I am not inclined to grant privilege of bail to the petitioner in connection with Amarapur P.S. Case No. 80 of 2019 to the satisfaction of Chief Judicial Magistrate, Banka.



Accordingly, prayer for bail of the petitioner is hereby
rejected.

However, the trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

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