

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66874 of 2021

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Ravi Pandey, Son of Sudhakar Pandey, Resident of Mohalla- Gayghat, P.S.-
Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16377 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Sajan Kumar, Son of Amar Saw, Resident of Vill- Sringar Hat, P.S- Sohsaray,
Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18527 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Chandan Kumar, Son of Dilip Saw @ Dilip Prasad, Resident of Village -
Ptnacity Meena Bazar, P.s.- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21036 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Ravi Kumar, Son of Tiwari Sao, Resident of Village - Gaighat, P.S. -
Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 22924 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Chhotu Kumar, S/o Pramod Sah, Resident of at Mohalla - Gayaghat, P.S. -
Alamganj, P.O.- Gulzarbagh, District - Patna, Pin- 800007.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66874 of 2021)

For the Petitioner/s : Mr.Durgesh Nandan, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 16377 of 2022)

For the Petitioner/s : Mr. R.P. Sharma, Advocate

Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Ajit Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 18527 of 2022)

For the Petitioner/s : Mr.Kameshwar Singh, Advocate

Mr. Rajniti Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 21036 of 2022)

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

For the Opposite Party/s : Mrs.Rina Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 22924 of 2022)

For the Petitioner/s : Mr.Akshay Lal Pandit, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-09-2022 Since all the applications arise out of Laheri P.S. Case
No. 367 of 2021, as such, they have been taken up together and
are being disposed of by this common order.

Heard learned counsels for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of



resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Laheri P.S. Case No. 367 of 2021 registered for the alleged offences under Sections 326 (A), 109 and 34 of the Indian Penal Code.

As per prosecution case, the informant gave a fardbeyan that the acid was thrown her face and she named one Lakhan Mahto as the person at whose instance the occurrence might have taken place. However, after investigation the police named the petitioners as the accused persons who were involved in the acid attack on the informant.

It has been submitted on behalf of the petitioners that the petitioners are not named in the FIR and they have been falsely implicated in this case. The petitioners are not involved in any way with the alleged occurrence. It has been submitted on behalf of petitioner Ravi Pandey that he has no connection with other co-accused persons and is not related with co-accused Sajjan Kumar with whom the victim girl is stated to have in love affair. Whatever has been done, it was done on behalf of Sajjan Kumar and his cousin and this petitioner has got no role. He is in custody since 21.08.2021. It has further been submitted on behalf of other petitioners that the name of the petitioners have come up in the confessional statement of



petitioner Chhotu Kumar and petitioner Sajan Kumar. It has further been submitted on behalf of petitioner Sajan Kumar that it is not probable that if this petitioner is in love affair with the victim girl, he would not like someone to throw acid on her face. However, submission has been made on behalf of the petitioners Chandan Kumar and Ravi Kumar that no specific allegation has been made in the confessional statement against them and they have no role in the alleged acid attack. Learned counsel for the petitioner Chhotu Kumar has submitted that the conduct of the victim girl is not as per legal norms that she should have gone to the police station first after receiving the said injury and not to the hospital. It has been submitted on behalf of the petitioners that injuries on the victim girl are quite simple and similar injuries have been also found on petitioner Sajan Kumar and petitioner Chhotu Kumar. The petitioners are in custody since 21.08.2021 and charge-sheet has been submitted against them.

Learned APP opposes the prayer for bail submitting that the name of the petitioners came up during investigation for causing injury on the victim girl. Statement of eye-witness Jyoti Kumari under Section 164 of Cr.P.C. has been recorded wherein she has named the petitioner Chhotu Kumar who threw



the acid on the victim girl and all injuries are due to acid attack. Learned APP further submits that the acid attack took place and the petitioner Sajan Kumar ran away from the spot leaving behind the victim girl.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is specific allegation against the petitioner **Chhotu Kumar** that he threw the acid on the face of the victim girl and notwithstanding the nature of injuries which has been found on the victim girl, I am not inclined to grant bail to the petitioner **Chhotu Kumar**.

Hence, the prayer for bail of petitioner **Chhotu Kumar** is rejected.

Further, considering the general nature of allegation against all other petitioners and lack of material on record to connect them with the crime of acid attack, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsarif, in connection with Laheri P.S. Case No. 367 of 2021, subject to the conditions



mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions :

(i) One of the bailors will be a close relative of
the petitioners.

(ii) The petitioners will remain present on each
and every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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