

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30729 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- KHUTAUNA District- Madhubani

JITAN MANDAL Son of Faguni Mandal Resident of Village - Ekdara, P.S. -
Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baleshwar Kamat
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur
For the Informant	:	Mr. Sunil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 21-02-2022 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Khutauna Police Station Case No. 109 of 2020, registered for
the offences punishable under Sections 341/323/307/326/504/
506 of the Indian Penal Code.

The allegation, as per the First Information Report, is
that at about 01:30 AM in the night, upon hearing the noise of
the son of the informant, the informant reached in the bedroom
of his son, where he saw that the petitioner was caught by his
wife and when the lights were turned on, the informant and his
wife found that battery water was poured on the face and body



of their son by the petitioner.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He further submits that the petitioner has got no criminal antecedent and he is in custody since 18.08.2020.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant, referring to the contents of the case diary, submit that the petitioner has poured acid on the face and other parts of the body of the son of the informant and the statement of the injured was recorded in course of investigation, in which he has stated that the petitioner wanted to establish unnatural physical relationship with him and on the protest by the victim, the petitioner poured acid upon his face and other parts of his body.

This Court, vide order, dated 15.12.2021, had called for the complete injury report and from perusal of the same, it would be evident that the doctor has opined the case of the injury as vitriolage (acid attack) and the nature of the injury has been prescribed as grievous.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the gravity



of the offence regarding acid attack and the stringent punishment prescribed under Section 326-A of the Indian Penal Code and the fact that the injured has disclosed the name of the petitioner, who poured acid on his face and body, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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