

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26580 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- BUDHUCHAK District- Bhagalpur

1. Rubi Kumari, D/o Late Umesh Mandal, Resident of Village- Naya Nagar, Rani Diyara, P.S.- Budhuchak, Distt.- Bhagalpur.
2. Priti Kumari, D/o Late Shankar Mandal, Resident of Village- Naya Nagar, Rani Diyara, P.S.- Budhuchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Gopal Prasad Roy, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Budhuchak P.S. Case No. 32 of 2021 registered for the offences punishable under Sections 420, 342, 307, 326(A)/34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case is based on a written report of the informant alleging therein that co-accused Niraj Kumar @



Anand Kumar, who happens to be the co-villager tried to influence his daughter with the help of the petitioners to make love with him and said co-accused also gave assurance to marry, which was denied by the daughter of the informant. It is further alleged that on the dictate of co-accused Niraj Kumar, both the petitioners brought the daughter of the informant to the shop of Niraj Kumar and thereupon the said Niraj Kumar administered Acid to the daughter of the informant, however, she any how managed to escape.

Learned counsel appearing on behalf of the petitioners submits that from the F.I.R. it would be evident that the entire allegation revolves around Niraj Kumar that it is he, who asked the petitioners to bring the daughter of the informant in his shop and it is he, who administered Acid to the daughter of the informant, due to which she fell ill. He further submits that during the course of investigation, it transpire that the entire treatment has been made in a private hospital and thereafter she was discharged on 20.07.2021, but the present F.I.R. has been instituted on 28.07.2021 and no plausible explanation has been given for the delay. He also submits that during the course of investigation, statement of independent witnesses were recorded in para. 8 and 9 of the case diary wherein they have stated that



the victim herself drunk Acid due to family feud. He next submits that the petitioners are college going girls and they themselves surrendered on 31.01.2022 and since then they are in custody. He lastly submits that though the victim died after nine months of the occurrence, but even in the post-mortem report the cause of death has not been ascertained and, as such, the viscera report was sent to Forensic Science Laboratory for its chemical examination.

Learned counsel for the State vehemently opposes the bail application and submits that during the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she categorically stated that in fact all the accused persons forcibly administered Acid and due to which she seriously ill and she was not in a position to take meal and ultimately died.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are lady and they are in custody for about eight months and now the charges have been framed, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Bhagalpur, Patna in connection with Budhuchak P.S. Case No. 32 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iii) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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