

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49616 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- KOTWALI District- Patna

MANISH KUMAR Son of Sudhir Kumar Yadav @ Sudhir Kumar Resident
of Village - Paura, P.S. - Gogari, District - Khagaria, A/P Mandiri, Near
Kathpul, P.S. - Kotwali, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr.Adv.
	:	Mr.Lakshmi Kant Sharma, Adv
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 26-04-2022 Let the defects, as pointed out by the office, be
removed within four weeks of starting of Court proceeding in
physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 452,341,323,354,326(B)/34
of the Indian Penal Code.

Allegation against the petitioner is that he thrown acid
on the face of the victim girl with intention and knowledge
likely to be caused permanent or partial damage, deformity and
disfigurement on his face or any part of the body only on refusal
of proposal and rejection of romance which is the root cause and



motive behind the commission of such a heinous crime though fortunately, the victim saved herself to hide behind a wall. Further allegation is that unlimited vulgar messages regularly was being sent by the petitioner, not only that, this petitioner also strangled neck of the informant as a result of which the informant felt suffocation, his tongue came out and his both eyes stretched out when the informant tried to save the victim.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous enmity. He further submits that it appears from the injury report that there is no injury upon the victim. He further submits that the police, after investigation, submitted chargesheet against the petitioner.

Vide order dated 29.03.2022, a report was called for with regard to the stage of the trial. Report reveals that till date, charge has not been framed against the accused persons and the case is fixed for hearing on the point of framing of charge.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, it appears that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 10.02.2021.

On the other hand, learned counsel for the informant



has vehemently opposed the prayer for bail of the petitioner and submits that if the charge has not been framed the petitioner will influence the trial and further submits that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kotwali Police Station Case No.72 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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