

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22232 of 2023

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

Chhotu Kumar, Son of Pramod Sah @ Pramod Saw, Resident of Mohalla -
Gayaghat, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In compliance of order dated 26.04.2023, a report has been received from the court of learned Additional District and Sessions Judge-VI, Biharsharif at Nalanda wherein the trial court has submitted that seven prosecution witnesses have been examined and one I.O. has remained to be examined.

3. However, the expert of the F.S.L. report has not been named as a witness in the charge-sheet and C.C.T.V. footage for the occurrence has also been sent to C.F.S.L. The report of this is still awaited. Next date before the learned trial court is 09.05.2023.

4. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 807 of 2021 arising out of



Laheri P.S. Case No. 367 of 2021 registered for the alleged offences under Sections 326(A) and 109/34 of the Indian Penal Code.

5. Learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court. Learned counsel further submits that on the last occasion, the praper for bail of the petitioner was rejected vide order dated 12.09.2022 passed in Cr. Misc. No. 22924 of 2022 on the ground that specific allegation has been made against this petitioner that he threw the acid on the face of the victim girl. Learned counsel further submits that statement of eye-witness Jyoti Kumari was recorded under Section 164 of Cr.P.C., wherein she specifically named this petitioner who threw the acid on the victim. However, in her deposition before the learned trial court she has denied knowing the petitioner. Learned counsel further submits that the said witness as well as the informant who has been examined as P.W. 3 have deposed about Sajan Kumar and this petitioner throwing acid on the victim and Sajan Kumar has been granted bail by this Court on 12.09.2022 in Cr. Misc. No. 16377 of 2022. This petitioner is in custody since 21.08.2021.

6. Learned APP opposes the prayer for bail submitting that the status of the petitioner remains same since the victim as



well as the witness who was examined as P.W. 6 have again named this petitioner with co-accused Sajan Kumar who threw acid on the victim. This fact has also come in the rejection order of the bail of the petitioner that victim has received grievous injury and the same is also reflected in the deposition of the victim wherein she has stated that she could not see through her right eye and her whole body was burnt and she was in much pain. Learned APP further submits that co-accused was granted bail on the facts as was existing on the date of disposal of his bail petition and the same cannot be a ground for grant bail to this petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner and absence of any fresh ground to reconsider his prayer for bail, I am not inclined to grant bail to the petitioner.

8. Hence, his prayer for bail is rejected.

(Arun Kumar Jha, J)

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