

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31764 of 2022

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

Niraj Kumar @ Anand Kumar Son of Ganesh Prasad Singh Resident of
Village Naya Nagar Rani Diyara, P.S. - Budhu Chak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ashok Kumar Mishra, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Budhu Chak P.S. Case No. 32 of 2021,
registered for the offences punishable under Sections 420, 342,
307, 326A/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 the petitioner who happens to



be co-villager tried to induce the daughter of the informant with the help of two girls, namely, Rubi Kumari and Priti Kumari to make love with him and also give assurance to marry, which was denied by the daughter of the informant. It is further alleged that, later, on the dictate of this petitioner both the girls brought the daughter of the informant at the shop of the petitioner and thereupon he again tried to induce her but when she refused, the petitioner with the help of both the girls administered acid to the daughter of the informant, however, she anyhow managed to escape.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place on 30.06.2021, however, the present FIR has been instituted after a delay of 28 days on 28.07.2021. He further submits that during the course of investigation statement of some of the independent witnesses were recorded and they have stated that in fact on account of some dispute the victim herself consumed acid. He has also drawn the attention of this Court towards paragraph 81 of the case diary, wherein when the doctor has asked with regard to the incidence, thereupon the relatives of the victim has stated that she herself consumed acid. He also submits that though similar allegation has been leveled against



three persons including the two girls, namely, Rubi Kumari and Priti Kumari, however, they have been allowed bail by this Court in Cr. Misc. No. 26580 of 2022 vide order dated 27.09.2022. He also submits that though the victim was discharged from the hospital on 20.07.2021, but after eight days of her discharge this FIR has been instituted. He lastly submits that in the statement of the informant there are other discrepancies also with regard to the age of the victim.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the statement of the victim was recorded by the police and thereafter, also recorded under Section 164 of Cr.P.C., wherein she has categorically stated that the petitioner with the help of both the girls have administered acid due to which she sustained serious injuries, due to which she was unable to speak and was under treatment, hence, the delay has occurred. He further submits that there is specific allegation against the petitioner and the reason has also been assigned for administering acid as the victim refused to make relationship with the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of Cr.P.C and the specific allegation



against the petitioner of administering acid to the victim which subsequently resulted into her death, this court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application stands dismissed.

(Harish Kumar, J)

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