

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42671 of 2023**

Arising Out of PS. Case No.-146 Year-2021 Thana- TRIVENIGANJ District-
Supaul

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MITHILESH KUMAR SAH@ MITHILESH KUMAR SON OF LATE
YOGENDRA SAH RESIDENT OF VILLAGE- MACHAHA, WARD NO. 12, PS-
TRIVENIGANJ, DISTT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mr. Satish Kumar Singh, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned A.P.P. for the

State.

The petitioner apprehends his arrest in Triveniganj P.S.

Case No. 146 of 2021 dated 18.05.2021 registered for the offence

under Sections 144, 149, 504, 447, 337, 326, 341, 323, 308, 380,

and 427 of the Indian Penal Code.

The petitioner and other accused persons are alleged

to have sprinkled acid upon the uncle and cousin of the informant

while they were trying to save the informant from the assault

made by the petitioner and others.

Learned counsel appearing for the petitioner submits

that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the petitioner along with other accused persons have sprinkled acid on uncle and cousin of the informant. He further submits that the police after investigation has submitted charge sheet against the co-accused, Rupesh Kumar who allegedly sprinkled acid on the body of the informant causing burn injury, but the learned magistrate deferring with the police report taken cognizance against all the accused persons including the petitioner. He further submits that the petitioner has not caused any burn injury to any family member of the informant. He further submits that the injury sustained by the informant and others are opined to be simple in nature and they are also opined to be superficial in nature caused by unknown liquid.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Supaul in connection with Triveniganj P.S. Case No. 146 of 2021,



subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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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