

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51969 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BEUR District- Patna

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1. Rahul Kumar @ Tunmun Kumar son of Late Sahdeo Singh Village- Madhu Sudan Nagar Ps- Beur Dist- Patna
 2. Sharvan Kumar son of Late Sahdeo Singh Village- Madhu Sudan Nagar Ps- Beur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhaneshwar Prasad Gupta, Adv
For the Opposite Party/s :	Mr.Jai Narain Thakur, APP
	Mr. Utkarsh Bhushan, Adv
	Mr. Shymae Krisha Sinha, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in connection with Beur P.S. Case No. 165 of 2024 registered for the offences punishable under Sections 341, 323, 326A, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the case was taken up on 21-8-2024, when case diary was called for, it is further submitted that case diary till date has not been received.
4. The Court will not wait endlessly for the case diary and thus proceeds to decide the case on merits and the facts that



have been recorded in the order impugned.

5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 25-3-2024 at 7 PM her guest Mangal Soni had come to her house, when Rahul (petitioner No. 1) and Sharvan (petitioner No. 2) came in a drunken state and started assaulting her guest, Mangal Soni, hence her sister, mother and bhabhi (from neighbourhood) tried to pacify the issue, when Rahul and Sharvan threw acid on her causing injury on hand of the informant and her neighbour suffered acid assault on chest and thereafter the accused person fled threatening the informant and other.

6. Learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that on the date of occurrence, holi was being celebrated and the informant and her family members were playing holi when an altercation took place with Sanjay, on which the side of the informant threw boiling water on him which led to institution of Beur P.S. Case No. 172 of 2024 and Sanjay was admitted in PMCH for treatment. It is submitted that petitioner, being friend of Sanjay, came to implicate in the instant case by the informant as they were siding with Sanjay. It is next submitted that even the informant and the other injured



suffered injury by boiling water and not by acid.

7. Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation against the petitioners of committing the occurrence in a drunken state throwing acid on the informant and her neighbour causing injury. It is further submitted that attack was an acid attack and the neighbour of the informant suffered injury over 8% of her body surface. It is further submitted that learned Sessions Judge, Patna in the order impugned has recorded that the injury was caused by corrosive substance. It is thus submitted that had the injured suffered the injury by boiling water then the doctor would not have opined that the injury was caused by corrosive substance.

8. Considering the submission made by learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

9. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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