

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4676 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- CHAKIA District- East Champaran

Mahesh Bhagat son of Ramji Bhagat Village- Gidha Balthi Ps- Sahebganj
Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Devi wife of Ramen Paswan Village- Chakbara Bakri Ps- Pipra Dist-
East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bal Govind Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For Respondent No. 2	:	Mr. Raghav Prasad, Advocate Mr. Chandra Shekhar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 24-06-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 23.08.2023 passed by learned Special
Judge, SC/ST, East Champaran, Motihari, whereby the prayer
for bail of the appellant in connection with Chakia P.S. Case No.
187 of 2023, under Sections 448, 454, 324, 326(A), 307/34, 302
and Section 3(1)(r)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant
entered the house of the informant and threw acid upon her



husband and in the process acid also sprinkled upon her, her son and her daughter. As a result, all of them got seriously injured and they were taken to SKMCH Hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The appellant has denied the story of sprinkling of acid upon the daughter and husband of the informant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him/her. The appellant has no intention to disgrace the image of the informant in public view.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submits that 3-4 days prior to the occurrence, the appellant had attempted to take away the informant but she refused and due to this the appellant has committed the alleged occurrence. It is submitted that daughter of the informant aged about 3 years has sustained 75% acid burn injury on her body and during her treatment she succumbed to her injury. Husband



of the informant has sustained 36% burn injury and informant and her son sustained simple injury.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is not inclined to allow this appeal. Accordingly, the appeal is dismissed.

(Rudra Prakash Mishra, J)

Rajorshi/-

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