

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78732 of 2024

Arising Out of PS. Case No.-107 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Raja Kumar @ Raja Yadav S/o- Shiv Yadav Village- Aliganj gangti, Ps-
Mojahidpur, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gautam Kumar Sah Son of Late Anup Lal Sah, R/o- Ganga Bihar Colony
Gidarwa Badi, P.S.- Babarganj, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mirtyunjay Kumar Mishra, Advocate Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-11-2024 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks regular bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 107 of 2019, dated
19.04.2019, registered for the offences punishable under
Sections 307, 457, 326A, 341, 354, 380, 459, 302/34 of the
Indian Penal Code, Sections 25(1-B)/26, 35 of the Arms Act
and Section 12 of the POCSO Act.

3. The prosecution case as emerges from the FIR is
that one Prince Kumar along with his associates threw acid on
the body of the informant's daughter, due to which she sustained
injury.



4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR, but in course of investigation, the name of this petitioner has been figured in this case at very belated stage. He further submits even as per the statement of alleged victim girl as recorded under Section 164 Cr.P.C, the petitioner is not direct assailant and petitioner's name has been taken by the alleged victim in her statement by way of suspicion.

5. He further submits that the petitioner has been languishing in jail since 23.04.2019 and the case is still at the stage of prosecution evidence. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent. He further submits that similarly situated co-accused, namely, Manish Yadav @ Manish Kumar has been also enlarged on bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No. 29926 of 2024.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, POCSO Act-cum-Addl. Sessions Judge-VI, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 107 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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