

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74192 of 2024

Arising Out of PS. Case No.-200 Year-2021 Thana- BARAULI District- Gopalganj

Rajeev Kumar @ Rajeev Kumar Sah Son of Late Jaynarayan Sah @
Jainarayan Sah Resident of Village - Bazar Khajajuria, P.S.- Sidhwaliya,
District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Barauli P.S. Case No. 200 of 2021, registered for the offences under Sections 341, 323, 447, 326A, 354A, 379 and 506/34 of the Indian Penal Code.

3. As per prosecution case, co-accused persons entered into the house of the informant and threw acid on the informant. The informant tried to shirk and her daughter received the said injury. The name of the petitioner transpired during investigation as the person who was involved in throwing the acid.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. Petitioner is the husband of the informant and he was not named in the FIR or made accused. However, the petitioner is implicated in the present case using his extra-judicial confession recorded by the police in connection with Sidhwalia P.S. Case No. 279 of 2021 which was instituted by the petitioner himself against the wife, her paramour and others. Petitioner has been granted bail in Sidhwalia P.S. Case No. 279 of 2021 by a Co-ordinate Bench vide order dated 13.09.2024 passed in Cr. Misc. No. 52502 of 2024. Instead of properly investigating the matter, the authorities have falsely implicated the petitioner in the case. It is completely absurd that the petitioner has been made accused in this case when there is specific allegation of throwing acid against co-accused Amarjeet Sah. Petitioner is in custody since 20.01.2022 and charge-sheet has been submitted and three witnesses have been examined but after 13.10.2022, no witness has been examined in this case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not initially named and also considering the period of custody of the petitioner and apparent delay in



trial, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Gopalganj/concerned court, in connection with Barauli P.S. Case No. 200 of 2021, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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