

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22629 of 2018

Arising Out of PS. Case No.-189 Year-2010 Thana- BIBHUTIPUR District- Samastipur

Shiv Shankar Rai, Son of Late Kushal Rai @ Kusal Rai, Resident of Village-
Kalyanpur Tola Bishunpur, Police Station- Bibhutipur, District-Samastipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar, APP
Mr. S.K.Thakur, Advocate.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 19-06-2018 Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with S.T.No. 532 of 2017 arising out of Bibhutipur P.S.Case No. 189 of 2010 registered under Sections 307,323,326,341 and 302 of the Indian penal Code.

Allegation in brief is that due to previous enmity, accused persons threw acid on the person of the informant's father as a result he became injured, went to P.M.C.H. for treatment and died later on.

Submission is that petitioner has been falsely implicated in this case due to previous enmity with the family members of the informant. The FIR was instituted after inordinate delay of 11 days though so-called victim had given his fardbeyan in the P.M.C.H. on the very next day of the occurrence and the



allegation of throwing acid over his head is against Radhey Rai and allegation of holding hands of the victim against the petitioner is superfluous because when a person holds a person by hands and acid is thrown, some part of acid will also effect the person holding hands, but there is no such injury to the petitioner.

Whereas learned counsel for the informant opposed the prayer of bail and submits that accused side is lodging false case subsequently to put pressure of them to withdraw the case.

Having considered the aforesaid facts and circumstances, in partitular, the statement of the victim who was admitted in time and allegation of throwing acid is against Radhey Rai and not against the petitioner, so petitioner namely Shiv Shankar Rai, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Rosera, District- Samastipur in connection with S.T.No. 532 of 2017 arising out of Bibhutipur P.S. Case No. 189 of 2010.

(Arun Kumar, J)

sujit/-

U		T	
---	--	---	--

