

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32211 of 2021

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

RADHE ROY @ RADHE SHYAM RAI SON OF LATE KAUSHAL RAI @
KUSHAL RAI Resident of Village - Kalyanpur, Tola - Bishunpur, P.S.-
Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bibhutipur Police Station Case No. 189 of 2010, registered for
the offences punishable under Sections 341/323/326/307/302/
34 of the Indian Penal Code.

The First Information Report is of the year 2010. The
allegation against the petitioner, as per the First Information
Report, is that he poured acid on the head of the father of the
informant, due to which he died in the hospital.

Learned Counsel for the petitioner submits that the
alleged occurrence has taken place on 11.07.2010, but the First
Information Report has been lodged on 22.07.2010, and there is
no explanation for the delay in lodging of the First Information
Report. He further submits that there is land dispute between the



parties and other co-accused persons, namely, Gauri Shankar Rai (by order, dated 18.08.2011, passed in Criminal Misc. No. 12519 of 2011) and Shiv Shankar Rai (by order, dated 19.06.2018, passed in Criminal Misc. No. 22629 of 2018) have been granted bail by co-ordinate benches of this Court. He next submits that the petitioner is in custody since 20.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials available on record and the fact that there is direct allegation against the petitioner of pouring acid on the head of the father of the informant, whereas the allegation against other co-accused persons, who have been granted bail by this Court, is of holding the hand of the father of the informant and the petitioner was absconding for about ten years, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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