

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34963 of 2021

Arising Out of PS. Case No.-40 Year-1995 Thana- KATRA District- Muzaffarpur

Radhey Shyam Thakur S/o Sukhdeo Thakur Resident of Village- Basua, P.S.-
Aurai, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar @ S.K., Advocate
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Sessions Trial No.
92 of 2020 registered for the offences punishable under sections
25(1-b)/26/35 of the Arms Act, sections 3/4 of the Explosive
Substance Act and sections 347/34 of the Indian Penal Code.

As per the prosecution case, on 10.6.1995 acting on a
tip off, police conducted a raid and arrested co-accused Dhruv
Nath Singh with loaded pistol and four live cartridges and got
released one Dilip Prasad, who was kidnapped from brick kiln
situated at village Chakauti.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. Petitioner's name has figured during course of
investigation in confessional statement of co-accused Angad
Jha. He submits that no incriminating material has been



recovered from the conscious possession of the petitioner. He submits that the petitioner was declared absconder in 2016. Petitioner is in custody since 17.1.2020.

Learned counsel for the State opposes the prayer for bail. He submits that the petitioner was declared absconder on 26.9.2016. However, charge sheet was submitted in the case in 2002, and cognizance of the offence was taken on 2.8.2005. From perusal of the report of the trial court dated 15.9.2021 it appears that charge has also been framed on 19.12.2020 and the case is running at the stage of evidence though the prosecution has not adduced any evidence.

In view of the fact that the petitioner evaded the process of the Court since long, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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