

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60435 of 2022

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- Bhishunpur, P.S- 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. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 16-11-2022 Heard Mr. Jay Prakash Sharma, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 38 of 2021 arising out of Bibhutipur P.S. Case No. 189 of 2010 registered for the offences punishable under Sections 341, 323, 326, 307 and 34 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was added.

This is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court vide order dated 15.12.2021 passed in Cr. Misc. 32211 of 2021.

The petitioner was absconder for the last ten years and was taken in custody on 20.01.2021, on an allegation made in the First Information Report registered in the year 2010, that the



petitioner along with two other accused persons poured acid on the head of the father of the informant. Taking into consideration that the petitioner is the main assailant, by an order dated 15.12.2021, this Court had rejected the bail application of the petitioner.

Only submission made by learned counsel for the petitioner is that the petitioner is in custody since 20.01.2021 and the trial has not registered any progress.

Taking into consideration the nature of allegation made in the First Information Report and the fact that the petitioner remained absconded for about ten years and he is the main accused, I am not inclined to allow this petition and, accordingly, the prayer for grant of regular bail of the petitioner stands rejected.

However, the learned A.D.J.-I, Rosera, Distt. Samastipur, is directed to expedite the trial in accordance with law.

(Anil Kumar Sinha, J)

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