

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23432 of 2024

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

Radhe Roy @ Radhe Shayam Rai S/o Late Kausal Rai @ Kaushal Rai R/o
vill - 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. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 12-07-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out of Bibhutipur Police Station Case No. 189 of 2010, disclosing offences under Sections 341, 323, 326, 307, 302, 34, of the Indian Penal Code.
3. As per the prosecution case, on 11.07.2010, at about 1:00 am in the night, the petitioner along with two other co-accused poured acid upon the head of the father/deceased of the informant due to which his father sustained grievous injury upon both eyes, head, both hands, chest, back side and neck and was treated at P.H.C. Bibhutipur from where he was referred to P.M.C.H., for better treatment, where he gave his statement to the Police Officer, Pirbahore Patna.
4. Learned counsel for the petitioners submits that during the course of trial, the informant has not supported the prosecution story. The petitioner is in custody since 20.01.2021 and the trial has not concluded. The bail



application of the petitioner has been rejected twice mainly on the ground that the petitioner absconded for ten years and he is the main assailant in the case.

5. This Court had called for a report from learned Court of 1st Additional District & Sessions Judge, Samastipur, regarding the present stage of Sessions Trial No. 38 of 2021, arising out of Bibhutipur P.S. Case No. 189 of 2010. In pursuance thereof, Shri Ashok Kumar Gupta, learned Additional District & Sessions Judge-I, Rosera (Samastipur), has furnished the report. From perusal of the same, it appears that out of five witnesses, three witnesses have been examined and the estimated time for conclusion of the trial has been mentioned within six months.
6. Accordingly, I am not inclined to grant bail to the petitioner at this stage, however, the petitioner may renew his prayer for bail after six months if the trial is not concluded.

(Anil Kumar Sinha, J)

HarshPandey/-

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