

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24191 of 2016

Arising Out of PS.Case No. -400 Year- 2015 Thana -DANAPUR District- PATNA

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1. Golu Kumar, son of Harihar Sao, resident of Mohalla- Daldali Road,
Police Station- Danapur, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 19-07-2016 Learned counsel for the petitioner seeks and, is permitted to make necessary correction at paragraph-3 of the petition in course of the day.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Sections-307, 120(B) & other minor sections of the Indian Penal Code and 27 of the Arms Act.

Five named accused and one unknown are said to have opened fire indiscriminately, as a result of which, two persons died on the spot. The reason behind the aforesaid killing, as alleged in the prosecution case, is that the deceased persons had to depose in Danapur P.S. Case No. 620 of 2013 and the FIR

named accused as well as some others, including the petitioner, were accused in the aforesaid Danapur P.S. Case No. 620 of 2013.

The petitioner is not named in the first information report but when the further statement of the informant was recorded, the informant claimed that the petitioner was in constant touch with accused of Danapur P.S. Case No. 620 of 2013 and, had entered into conspiracy with the aforesaid accused persons to eliminate the deceased persons of this case, so that, they could not depose against them in Danapur P.S. Case No. 620 of 2013. The petitioner is also an accused in Danapur P.S. Case No. 620 of 2013.

Submission on behalf of the petitioner is that the petitioner was on bail in Danapur P.S. Case No. 620 of 2013 and as a matter of fact, he used to go to court to make pairvi in the aforesaid case and, therefore, it was quite natural that he used to meet the other accused of the aforesaid case but except the aforesaid material, there is nothing in the entire case diary to show this fact that the petitioner had entered into any conspiracy with the co-accused. It is further submitted that moreover, having more or less similar allegation, one co-accused namely, Ajeet Rai @ Ajeet Kumar has already been granted privilege of bail by a coordinate bench of this court by order dated 16-05-2016 passed

in Cr. Misc. No. 14318 of 2016 and so far as the petitioner is concerned; he is in jail custody since 14-09-2015 and the investigation against him has already been completed.

Learned Public Prosecutor referred paragraphs-6, 9, 10 etc of the case diary and submitted that in course of investigation, it came to light that the petitioner had also hatched up a conspiracy with other accused, who eliminated the deceased persons.

Considering the above-said facts and circumstances of the case as well as submission of the parties, particularly, taking note of this fact that the petitioner had not taken active part in committing the murder of the deceased persons and the petitioner does not have any criminal antecedent except Danapur P.S. Case No. 620 of 2013, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Danapur P.S. Case No. 400 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna.

(Hemant Kumar Srivastava, J)

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