

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68015 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- BEUR District- Patna

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GOLU KUMAR, aged about 26 years, (Male), Son of Vinod Prasad @ Vinod Kumar, Resident of Village - Jajak Toli, P.S.- Chowk, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Addl. D.G. Vigilance, Bihar, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Nawal Kishore Singh, Advocate.
For the State	:	Mr.Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 324, 307, 353, 224/511, 120(B) of the IPC, 3/5 of Explosive Substance Act, 25(1-b)a, 26, 27, 35 of the Arms Act and 7,8 and 13 of P.C. Act.

The prosecution story, in brief, is that on the date of occurrence, 22 prisoners were being taken to Beur Jail after their production in Patna City Civil Court. Near Sipara Bridge, Sikandawr and Aslam started damaging the gate of Van in order to flee away, but the police force came in action and closed the gate of the Van. Thereafter, the van proceeded towards the jail on the order of the informant then the informant saw 7-8



persons riding on Motorcycle and Tempo having arms and ammunition in their hands were coming towards prisoners' van. Seeing the police, they fled away firing in the air. The van reached into the campus of Beur Jail and prisoners were looked in jail. It is alleged that on search, splinters of bomb and iron nails were found in the van. On search, from possession of Sonu Kumar, one Bomb and one Mobile phone, from possession of Sikandar Yadav, one pistol and three live cartridges and from possession of Md. Aslam, two live cartridges etc., were recovered. During interrogation by the police, prisoners Sonu, Sikandar and Aslam stated that they hatched the plan of fleeing away from police custody fifteen days before in consultation with another prisoner Chanki whereas the friends of Sonu, namely, Amarjeet Kumar, Vikki Tanti, Golu Thathera, Vikki Kumar, Sanni Mallick, Golu Kumar (petitioner) and Prakash Kumar helped them in commission of the aforesaid offence.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 05.07.2018. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has



come in the present case on disclosure made by co-accused, namely, Sonu Kumar. There is no recovery of any arms from possession of the petitioner. Arms is said to have been recovered from possession of co-accused Sonu Kumar. Other co-accused has been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 29042 of 2019 under order dated 06.05.2019.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance Court-Ist, Patna, in connection with Special Case No. 47/2018, arising out of Beur P.S. Case No. 146/2018.

(Sudhir Singh, J)

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