

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6135 of 2020**

Arising Out of PS. Case No.-195 Year-2017 Thana- MATIHANI District- Begusarai

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GOLU SINGH @ GOLU KUMAR SINGH @ GOLU KUMAR Son of Ram
Sharan Singh @ Pahalwan Resident of Village-Ward No.8, Ramdiri (Mahaji),
Tola Pahadi, P.S.-Matihani, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-06-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner and learned

APP In Charge for the State.

The petitioner in the present case is seeking regular

bail in connection with Matihani P.S. Case No. 195 of 2017

registered for the offences punishable under Section 27 of the

Arms Act.

Learned counsel for the petitioner submits that in this

case petitioner has been falsely implicated. It is his submission

that the First Information Report has been lodged much after the

police got information that a person has been shot dead, reached



the spot and prepared the inquest report. It is submitted that in the inquest report son of the deceased is one of the witnesses.

Learned counsel submits that in the First Information Report the informant claims himself to be an eye-witness and has alleged that this petitioner and other co-accused had fired from their pistol on the chest, neck and backside of the body of the deceased causing his death on spot but the post mortem report does not support the statement of the informant that three of the accused including this petitioner had fired on the chest and neck of the deceased.

Learned APP In Charge for the State has opposed the prayer for regular bail of this petitioner. It is submitted that in the First Information Report the informant who is an eye-witness has specifically named this petitioner and has stated that co-accused Bhuddan Singh, this petitioner and Raman Singh had fired on the deceased from the firearms which hit the chest and neck of the deceased and he fell down whereupon co-accused Ashok Singh and Kundan Singh had fired on the back of the deceased.

Learned APP submits that the post mortem report shows five firearms injuries on the body of the deceased and as such the post mortem report fully supports the informant's



version of the case. It is further submitted that in paragraph '3' of the present application, it will appear that this petitioner has got 17 cases on his head and all of them are of serious nature, there are several cases under Section 302 IPC and under the Provisions of the Arms Act as well and these cases have been registered on regular intervals since the year 2014 which indicate that the release of the petitioner at this stage is likely to interfere with the course of trial and the witnesses are likely to be tampered and threatened, moreover it will appear that the petitioner has been in custody in connection with this case since 17.08.2019 i.e. after two years of the alleged occurrence he has surrendered in connection with this case.

Considering the facts and circumstances of the case wherein there are materials available on the record to support the informant's version of the case, the petitioner has been specifically named as one of the accused having fired upon the vital part of the body of the deceased, the post mortem report is supporting the informant's version and the petitioner has surrendered in connection with this case two years after the alleged occurrence, he has got seventeen serious nature of cases on his head, this court agrees with the submission of learned APP for the State that release of the petitioner at this stage in the



present case would adversely affect the trial of the case as the evidences would be tampered and the witnesses would be threatened.

This Court, considering the gravity of the offence and the materials on the record, is not inclined to grant regular bail to the petitioner.

The application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

