

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1069 of 2021**

Arising Out of PS. Case No.-195 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Golu Kumar @ Golu Singh Son of vinay Singh Resident of Village -
Ratanpur Ward No. 21, P.s. Town, Ratanpur (O.P.), District - Begusarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

11 20-09-2021 Heard learned counsel for the appellant and counsel
for the State through video conferencing.

The present appeal has been filed against order dated 25.11.2020 passed by learned Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities Act), Begusarai in connection with Town PS Case No. 195 of 2020, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and under Section 27 of the Arms Act and section 3(2-v) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities Act), 1989 whereby the prayer for bail of the appellant has been rejected.

As per the prosecution case, son of the informant went out on the call of someone. After sometime, Bittu Kumar friend of informant's son brought him in injured condition and he said



that 4-5 persons shot him. During course of treatment informant's son died.

It is submitted on behalf of appellant that appellant is not named in the FIR, his name transpired during course of investigation on the basis of statement under Section 164 Cr.P.C of Bittu Kumar and Pankaj Kumar and Other witnesses have also supported the prosecution case and one witness has also stated that Shivam or Golu (appellant) fired upon the deceased. Further submitted that Bittu Kumar who was present at the place of occurrence has not revealed the name of appellant at the time of lodging of FIR and subsequently, this appellant has been named by Bittu Kumar which makes his statement doubtful. Appellant is in custody since 12.08.2020.

Counsel for the State vehemently opposed the prayer for bail and submitted that Bittu Kumar and Pankaj Kumar and other witnesses during course of investigation have stated that this appellant fired upon the deceased.

Considering the aforesaid facts and circumstances and 164 statement of Bittu Kumar and Pankaj Kumar, I am not inclined to grant bail to the appellant. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

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