

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20051 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- BHAGWANPUR District- Begusarai

Golu Kumar @ Gollu Kumar, Son of Late Tuntun Singh @ Tuntun Singh,
Resident of Village – Hasanpur, Ward no.01, P.S.- Teghra, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Bhagwanpur P.S. Case No.170 of 2020, registered for the offences punishable under Sections 302, 201, 379 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The prosecution case, in brief, is that on 06.08.2020 at 10.00 pm, the son of the informant was engaged in the business of fisheries at his *dera* who was shot dead and a sum of Rs.3 lakhs including a mobile phone from possession of the deceased were robbed by some unknown miscreant.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is also submitted that the petitioner is innocent and has falsely been implicated in the



present case. On the basis of confessional statement of co-accused, Murari Kumar, the petitioner is made accused in this case. It is further submitted that there is no eye witness of the occurrence. It is also submitted that except the confessional statement of the co-accused, there is no material to show the involvement of the petitioner in the alleged crime. Learned counsel for the petitioner further submits that co-accused, Bhawesh Kumar and Murari Kumar have already been granted bail vide order dated 14.07.2021, passed in Cr. Misc. No.20446 of 2021 and order dated 16.09.2021, passed in Cr. Misc. No.36609 of 2021 respectively. The petitioner is in custody since 12.10.2020 and he has got one criminal antecedent as stated in paragraph 3 of the bail petition.

Having considered the fact that similarly situated other co-accused persons have been granted bail, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No.170 of 2020, subject to the conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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