

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27237 of 2021**

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- Ramdiri (Mahaji), Ward No.8, Tola- Pahadi, Police Station- Matihani, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mrs. Indu Kumari Shrivastava, learned A.P.P. for the State.

This is the second attempt of petitioner to obtain bail in connection with Matihani P.S. Case No. 195 of 2017 registered for the offence punishable under Sections 147, 148, 149, 302, 120(B) of the Indian penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 05.06.2020 passed in Cr. Misc. No. 6135 of



2020.

Learned counsel submits that considering the custody of the petitioner being approximately two years and that the trial is not likely to take place in near future, this Court may enlarge the petitioner on bail.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the prayer for bail of the petitioner was earlier rejected with a reasoned order and that there is no change in the circumstance till date.

Having considered the rival submissions at the Bar, this Court has noticed the operative part of the order dated 05.06.2020 which reads as under :-

“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.”

This Court agrees with the submission of learned A.P.P. for the State that considering the seriousness of the allegation and the materials on the record as also the criminal antecedent of the petitioner, his release at this stage would adversely affect the trial of the case even as the evidence may be tempered and the witnesses are likely to be frightened considering the criminal antecedent of the petitioner. The prayer for bail is, thus, refused.

The trial court is directed to proceed with the trial as early as possible, if the charge has not been framed till date, the same must be done within three months from today and all efforts be taken to conclude the trial thereafter by posting the record on a short date and endeavours be made to conclude the trial within one year after framing of charge if the court starts



functioning in normal condition.

Still if the trial is not concluded within the aforesaid period for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

The Public Prosecutor attending the case and all concerned shall ensure that the prosecution witnesses are duly produced on the date fixed in course of trial.

This application stands disposed of accordingly.

(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'.

