

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34385 of 2020

Arising Out of PS. Case No.-242 Year-2020 Thana- BARH District- Patna

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GOLU KUMAR @ SUNNY Son of Dharmendra Singh Resident of Village -
Agawanpur, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Tej Narayan Singh, Advocate
For the State	:	Mr. Jainarayan Thakur, APP
For the Informant	:	Mr. Abhay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-02-2021 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, Mr. Jainarayan Thakur, learned A.P.P.
and Mr. Abhay Kumar, learned counsel for the informant.

The petitioner seeks bail in Barh P.S. Case No.242 of
2020 registered under Sections 302 and 34 of the Indian Penal
Code and under Section 27 of the Arms Act.

The informant-brother of the deceased alleged that on
08.07.2020 his brother was going to purchase milk but two
unknown persons came on a motorcycle and shot his brother
dead. The miscreants fled away towards Sahari.

The learned senior counsel for the petitioner submits
that the petitioner is not named in the F.I.R. For the first time,
the name of the petitioner surfaced in the case, in para 25 of the
case diary, when Shobha Devi, the widow of the deceased was



apprehended and she disclosed in her statement that she withdrew Rs.3,25,000/- and handed over the same to Golu @ Sunny(the petitioner) for giving to the shooter for killing her husband. It is further submitted that thereafter the petitioner was apprehended and the police also obtained his confessional statement. The police apprehended Manish Kumar and also obtained his confessional statement. Similarly, police apprehended Raja Singh, Mohit Kumar and Ayush Raj and obtained their signatures but the police did not collect any further evidence to show any conversation of the petitioner with any of the other accused persons. There is no evidence on record to show that the petitioner has any extra-marital relation with Shobha Devi, the widow of the deceased. On mere statement of the co-accused in their confessional statement, the petitioner has been made accused and he is in custody since 14.07.2020.

Learned A.P.P. and Mr. Abhay Kumar, learned counsel for the informant vehemently opposed the prayer for bail and submitted that it has come during the course of investigation and in the confessional statement of Shobha Devi, the widow of the deceased and other witnesses that the petitioner had illicit relation with Shobha Devi and Shobha Devi got her husband killed after paying money through the petitioner but the learned



A.P.P. and the learned counsel for the informant could not be able to show on the basis of even the C.D.R. that the petitioner had any talk with the alleged shooter namely, Ayush Raj.

It appears that police of course obtained the confessional statement of the petitioner after obtaining the confessional statement of the widow of the deceased and thereafter police obtained the confessional statement of other accused persons but the police did not collect any tangible material to show that the petitioner had illicit relation with Shobha Devi and on persuasion of Shobha Devi petitioner contacted any other accused persons to kill the deceased. There appears that only material against the petitioner is the confessional statement of co-accused and the confessional statement of the petitioner that too before the police.

Taking into consideration the facts aforesaid, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh(Patna) in connection with Barh P.S. Case No.242 of 2020.

(Prabhat Kumar Jha, J)

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