

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3584 of 2021**

Arising Out of PS. Case No.-194 Year-2018 Thana- BARAUNI District- Begusarai

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GOLU KUMAR SINGH @ GOLU KUMAR @ GOLU S/o Ram Sharan
Singh @ Pahalwan, R/o Village- Ramdiri Tola Mahaji, P.S.- Matihani,
District-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, App

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

4 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajendra Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Barauni (Refinery) P.S. Case No. 194 of
2018 registered for the offences punishable under Section 364 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
FIR is against unknown. According to the informant his son was
taken away on the threat of arms and this information was given
to him by the ward parshad thereafter he lodged the FIR on
18.5.2018.

On the next date the statement of the victim boy has been recorded in the Court of learned Judicial Magistrate, Begusarai who disclosed that on 19.5.2018 when he was sitting after sweeping the floor of the temple four persons came they were wearing mask and they forcibly took him away in a vehicle. He was beaten by them and at about 1 p.m. he was left at Hemara Chowk whereafter he returned home. The statement under Section 164 Cr.P.C. was recorded on 21.5.2018 with respect to the alleged occurrence of 19.5.2018 (seems wrongly recorded as 18.5.2018).

Learned counsel further submits that the victim boy did not name this petitioner in his statement under Section 164 Cr.P.C, one month thereafter i.e. on 20.6.2018 the I.O. records a statement in paragraph 33 of the case diary and says that the victim boy named this petitioner and on that ground the petitioner has been implicated in this case.

Learned counsel further submits that though the petitioner has got 10 criminal antecedent but in two cases he has been acquitted, in six other cases he is on bail and his prayer for bail in other two cases is pending.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner is not named by the victim boy after he returned and his name has transpired one month after the statement under Section 164 Cr.P.C., the petitioner is in custody in connection with this case for over two years, investigation against him is complete but the trial is not likely to take place in near future as informed by learned counsel for the petitioner, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar, learned Judicial Magistrate 1st Class, Begusarai in connection with Barauni (Refinery) P.S. Case No. 194 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in course of trial the petitioner shall appear on each and every date fixed in the matter and two consecutive defaults in putting appearance before the learned trial court shall invite action towards cancellation of bail bond of the petitioner by the court below itself.

The application stands allowed.

(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'.