

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12529 of 2022

Arising Out of PS. Case No.-20 Year-2018 Thana- MATIHANI District- Begusarai

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Golu Singh @ Golu Kumar @ Golu Kumar Singh @ Golu, Son of Ram
Sharan Singh @ Pahalwan, Resident of Village- Ramdiri, Mahaji Tola, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 10-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Matihani
P.S. Case No.20 of 2018 (Sessions Trial No. 288 of 2021)
registered for the offence punishable under Sections 307, 353
and 34 of the Indian Penal Code, Sections 25(1-b)a, 26, 27 and
35 of the Arms Act and Section 17 of the CLA Act.

The petitioner's prayer for bail was earlier rejected on
03.03.2021 in Cr.Misc. No.39259 of 2020.

The prosecution case is that the informant has alleged
that Naxalites, including the petitioner, were planning to commit
a crime while they were in the house of co-accused Nilu Singh.
They have resorted to firing upon the police party which have



arrived at the place. The petitioner is one amongst the other naxalites allegedly who fled away.

The petitioner by now has remained in custody since 15.07.2019, more than three years. It is stated in the bail application in paragraph 3 that out of 13 cases pending against the petitioner since before, he is on bail in 12 of those cases. It is further submitted that there is no progress at the trial whatsoever.

The Court had earlier called for a report from the Trial Court, which has specifically stated in the report dated 15.07.2022 that no witness has been examined so far.

Having regard to the aforesaid circumstances, where there is no progress at the trial, petitioner is in custody for more than three years and other similarly stated co-accused, namely, Karu Thakur, Nilu Singh, Gaurav Kumar @ Gauri Singh and Kari Singh, have been allowed bail in Cr.Misc. Nos.64306 of 2018, 38631 of 2018, 71285 of 2018 and 63626 of 2019 respectively, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released 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 Additional District & Sessions Judge- XIII, Begusarai, in connection Sessions Trial No.288 of 2021 arising out of Matihani P.S. Case No.20 of 2018, subject to the following 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. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM/Shashank-

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