

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45164 of 2021**

Arising Out of PS. Case No.-347 Year-2021 Thana- ARA NAWADA District- Bhojpur

GOLU KUMAR @ AJITESH KUMAR Son of - Pappu Singh Resident of
Village - Ekwari, Police Station - Sahar, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mrs.Asha Kumari

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Ara Nawada P.S. Case No. 347 of 2021, for the offence
punishable under Sections 307, 302 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

The allegation against the accused persons named in
the F.I.R. including the petitioner that they assaulted the son of
informant with firearm, who succumbed to injuries on the spot.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the name of
petitioner has surfaced on the basis of confessional statement of



one Shivam Kumar and the said Shivam Kumar is also not named in the F.I.R and it is well settled principle of law that confessional statement before the Police has no evidentiary value. The petitioner has clean antecedent and he is in custody since 11.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having perused the allegation made in the F.I.R. there is direct allegation to have fired on the victim Dipu Choudhary by the co-accused Prakash Chaudhary and Pawan Chaudhary along with other named accused persons to have resorted to fire on the body of the deceased. The name of petitioner has surfaced in course of investigation on the basis of confessional statement of Shivam Kumar. There is no allegation against Shivam Kumar to have assaulted the deceased by means of fire arm. The informant is the eye-witness. Prima facie, the petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur Ara in connection with Ara Nawada P.S. Case No. 347 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

