

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57402 of 2021

Arising Out of PS. Case No.-804 Year-2019 Thana- SHASTRINAGAR District- Patna

Golu Singh @ Golu @ Rahul Raj Son Of Late Sanjay Kumar Singh Resident
Of Mohalla - Mainpura, Rajapur, P.S. - Patliputra, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh- Sr. Advocate Mr. Vinod Kumar- Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-03-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 302/ 34 of the Indian Penal
Code.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 24.05.2020, charge-sheet
has been submitted in this case and has antecedent of seven
cases.

The learned senior counsel for the petitioner further
submits that the informant alleges that the petitioner used to
demand extortion from his brother and had threatened that he
would be killed if the demand not made. On 09.10.2019, while



his brother was coming with his friends Rishu and Shubham. He was intercepted by the petitioner and Ranjan Kumar and further they fired killing his brother and when the informant reached the place of occurrence, he saw the petitioner and Ranjan Kumar were present at the place of occurrence.

The learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence. Further the F.I.R. also does not disclose, who fired at the deceased. It is further submitted that it absolutely does not stand to reason that if the petitioner had committed the occurrence along with Ranjan Kumar, then they would have waited for the informant to arrive at the scene of occurrence and thus, create evidence against themselves.

The learned senior counsel further submits that from perusal of the case diary, it would manifest that the Investigating Officer has investigated the case based on CCTV footage as has come in Para-51 of the case diary. It is submitted that it is a detailed investigation and after going through the investigation as recorded at Para-51 of the case diary, it would manifest that petitioner and Ranjan Kumar have not been found in any of the frame of the CCTV footage. It is further submitted that



basically, it was the gang rivalry between the two bikers gang on account of which, the occurrence has taken place.

Learned A.P.P. opposes the bail application and submits that though in Para-51 of the case diary, the petitioner is not found in any of the footage of the CCTV, but the petitioner has been implicated based on the investigation of CDR which shows that at the time of the occurrence, the petitioner was near the place of occurrence.

The learned senior counsel rebuts the submissions of the learned A.P.P. and submits that the said investigation does not with certainty points to the fact that petitioner was involved in the occurrence, at best it is a case of suspicion.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and taking into consideration the submission made by the learned senior counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shastri Nagar P. S. Case No.804 of 2019, subject to condition that one of the bailors shall be the mother of the



petitioner namely, Anita Sinha. The petitioner shall be released
after framing of charge.

The application stands allowed.

(Satyavrat Verma, J)

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