

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3069 of 2023

Arising Out of PS. Case No.-599 Year-2021 Thana- SIWAN CITY District- Siwan

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Golu @ Ishar @ Esrar Ahmad Son Of Md. Jubair @ Jawed Mian Resident Of
Village/At- Purani Quila Pokhra, P.S.- Siwan Town (Sarai O.P.), District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Siwan
Town (Saray) P.S. Case No.599 of 2021 registered for the
offence under Sections 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.11.2022.

The allegation against the petitioner is to murder one
Ehsan by causing firearm injury, who is friend of the informant
living together in a rented room, where occurrence arises out of
petty issues as one of the friend of deceased, namely Aas
Mohammad, accidentally spit *gutkha* on the head of petitioner.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to some differences with the owner of the premises. It is submitted by learned counsel that it appears highly improbable that for such a petty issue a person can commit offence like murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that there is specific allegation of firing against this petitioner to cause death of the friend/roommate of the informant. It is also submitted that informant is the eye-witness of the occurrence and there is no any obvious reason to disbelieve his version being an eye-witness.

In view of the facts and circumstances as mentioned above, as there is specific allegation to cause fatal firearm injury causing death of the roommate/friend of informant. Accordingly this Court is not inclined to grant privilege of bail to the petitioner, at present.



Accordingly, the prayer for bail of the petitioner is rejected herewith.

As petitioner is in custody since 02.11.2022 learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required so. Failing which petitioner may renew his prayer for bail, if so advised.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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