

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3273 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Golu Kumar Son Of Kallu Mandal R/O Village- Kharmanchak, P.S.- Kotwali
(Jogsar), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Diwakar Upadhyaya, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kotwali (Jogsar) P.S. Case No. 523 of 2022
giving rise to Sessions Trial No. 873 of 2022, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case is based on the fardbayan of the
informant alleging therein that her husband has given
Rs.3,00,000/- on loan against a security cheque to the accused
Basisth @ Lucky Choubey, thereafter, the accused Basisth @
Lucky Choubey and others started giving threats for life to the



husband of the informant. On 24.06.2022 the informant received an information that her husband was found injured in road accident and lying in the hospital, who, later on died during the course of treatment. On these allegations an FIR has been lodged against the aforementioned two accused persons.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has sprung up on the confessional statement of Durgesh and further investigation reveals that on the alleged date of occurrence the petitioner had talk with the deceased as well as co-accused Durgesh. Submission has been made that there is no eyewitness to the alleged occurrence and only on account of the fact that on the date of occurrence this petitioner had a talk with the deceased as well as Durgesh, his name has been implicated in this case on mere suspicion, though the petitioner works as electrician and to have some electric repair work, he had in touch with the deceased and co-accused Durgesh. He lastly submits that the petitioner having fair antecedent, is in custody since 16.08.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted, hence there is no chance of tempering with the evidence.

On the other hand learned APP for the State



vehemently opposes the bail application and submits that during the course of investigation materials have come which suggest the complicity of the petitioner in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement of co-accused there is no material suggesting the complicity of the petitioner, coupled with the fair antecedent and the fact that the charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-17th, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 523 of 2022 giving rise to Sessions Trial No. 873 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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