

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11819 of 2022**

Arising Out of PS. Case No.-1188 Year-2021 Thana- NAWADA District- Nawada

Golu Kumar @ Abhinandan, S/O Raj Kumar Prasad Resident Of Village -
Loharpur, P.S. - Kadirganj, District - Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sheo Kumar Prasad
For the Opposite Party/s :	Mr. Bharat Bhushan
	Mr. Birendra Kumar
	Mr. Gyanendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 302, 34 of
the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 18.11.2021, he is a person with
clean antecedent, charge-sheet has been submitted in this case
and the informant alleges that she was sitting with her son
Priyanshu Kumar when Vikash Kumar came and also sat with
them. Thereafter, the named accused persons including the
petitioner came and Manoj Kumar took her son to his house.



Further after 15 minutes, the informant also went at the place of occurrence and saw the accused persons including the petitioner assaulting her son and thereafter, the family members were informed, who took him to the hospital where the doctor declared him dead on arrival.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is not specific. It is also submitted that allegation of assault is general and omnibus in nature. It is next submitted that if the deceased had any apprehension with the accused persons, then he would not have accompanied them. It is next submitted that it was Manoj, who asked the deceased to accompany to his house where the alleged occurrence is said to have taken place. It is next submitted that the F.I.R. though alleges that there was dispute from before but does not even remotely suggest that what was the nature of the dispute involved.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to rebut the submission of the learned counsel for the petitioner that the allegation of assault is general and omnibus in nature.



The learned counsel for the petitioner at this stage submits that purpose of arrest is not to punish, but to ensure that investigation is not hampered and in the present case, police after investigation has already submitted charge-sheet and the petitioner undertakes that he will cooperate in the trial.

Considering the submission made by the learned 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nawada P. S. Case No.1188 of 2021.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release on bail is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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