

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32662 of 2023

Arising Out of PS. Case No.-511 Year-2022 Thana- GAYA KOTWALI District- Gaya

Golu Kumar @ Rohit Kumar Son Of Ramji Raut R/O Mohalla- Dhaniya
Bagicha, P.S- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33331 of 2023

Arising Out of PS. Case No.-511 Year-2022 Thana- GAYA KOTWALI District- Gaya

Mayank Kumar Son of Arun Kumar, Resident of Mohalla-Piparpanti, New
Area, P.S.-Kotwali, District-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32662 of 2023)

For the Petitioner/s : Mr. Navin Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 33331 of 2023)

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP- 156

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
05.12.2022 and 08.01.2023 in connection with Kotwali P.S.
Case No. 511 of 2022, F.I.R. dated 18.08.2022 for the offences
punishable under Sections 302, 147, 148 and 149 of the Indian



Penal Code and Section 27 of the Arms Act.

According to prosecution case, it is a case of commission of murder to the informant's son, namely, Md. Faizal by gunshot injury by several accused persons including the petitioner.

Learned counsel for the petitioners submits that petitioner namely, Golu Kumar @ Rohit Kumar has clean antecedent and petitioner namely, Mayank Kumar carries eight criminal antecedents other than the present case.

Learned counsel for the petitioners further submits that petitioners have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and bare perusal of F.I.R. it appears that there is no specific allegation of any assault or overt-act or firing is attributed against these petitioners rather there is only raise suspicion about the petitioners that they have might killed his son. He further submits that no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence and similarly situated, co-accused, namely, Abhishek Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc.



No. 8590 of 2023 and another co-accused namely, Rohit Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 07.07.2023 passed in Cr. Misc. No. 07.07.2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 05.12.2022 and 08.01.2023 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner namely, Golu Kumar @ Rohit Kumar has clean antecedent and petitioner namely, Mayank Kumar carries eight criminal antecedents other than the present case, in which the petitioner is on bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya/Successor Court, Gaya in connection with Kotwali P.S. Case No. 511 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every



date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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