

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49211 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- MAHARAJGANJ District- Siwan

GOLU KUMAR SON OF DHUEL PRASAD RESIDENT OF VILLAGE-
SIHAUTA HALDIHATTA, PS- MAHARAJGANJ, DIST- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 11-10-2023 Heard Mr. Ajay Thakur, learned counsel for the petitioner and Mr. P.N. Shahi, learned Senior Counsel for the Informant and Mrs. Nirmala Kumari, learned Additional Public Prosecutor appearing on behalf of the State.

2. The Petitioner seeks regular bail in connection with Maharajganj P.S. Case No.121 of 2022 registered for the offence/s punishable under Section/s 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant alleged that the petitioner shot the informant's brother dead over previous enmity.

4. The main submissions advanced by the learned counsel for the petitioner are that as per FIR, the alleged occurrence took place on 27.04.2022 but the FIR was lodged on 28.04.2022. It is further submitted that admittedly, there was



enmity between this petitioner and the deceased and taking advantage of the same, the petitioner has been falsely implicated in this case. He further submits that there is no witness to the occurrence. The petitioner has been languishing in jail since 10.10.2022.

5. Learned Senior counsel appearing for the Informant as well as learned APP appearing for the State has vehemently opposed the bail prayer of the petitioner for grant of bail.

6. Learned Senior Counsel for the Informant submits that the prayer for grant of bail of the co-accused Ankaj Kumar who was the order giver has been rejected by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 47628 of 2023.

7. After hearing both the sides and upon perusal of the contents of the F.I.R., it appears that the instant matter relates to a murder committed in a very planned manner and the enmity between both the parties is an admitted position and the alleged firing upon the deceased is said to have been inflicted by this petitioner.

8. Considering the facts and circumstances of the case and the fact that there is specific allegation of shot the deceased dead against this petitioner, this Court is not inclined to enlarge



the petitioner on bail. Accordingly, his bail prayer stands rejected.

9. The Trial Court is directed to expedite the trial.

(Sandeep Kumar, J)

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